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3 TAPE TRANSCRIPTION

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5 RE: 10/26/04 MEETING WITH Advisory Council ON HISTORIC
6 PRESERVATION, NEW JERSEY STATE HISTORIC PRESERVATION
7 OFFICE

7 TAPE I (Sides A & B)

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1 MR. WELLS: Good afternoon. I'm Richard
2 Wells. I'm the superintendent of the Sandy Hook Unit of
3 Gateway Nation Recreation Area.

4 And on behalf of the National Park Service,
5 I'd like to welcome you all here today for a meeting and
6 consultation with the Advisory Council on Historic
7 Preservation and the New Jersey State Historic
8 Preservation Office.

9 We are anticipating that Congressman Colon
10 will arrive shortly. So when he does arrive, we'll
11 invite him to speak.

12 I'd also like to introduce a gentleman who
13 many of you know James -- Jim Wassel, who represents
14 Sandy Hook Partners, and is our private partner in our
15 efforts to preserve Fort Hancock.

16 I'd like to introduce now Don Cleama, who is
17 the director of the Office of Federal Agency Programs,
18 the Advisory Council on Historic Preservation.

19 Thank you.

20 MR. CLEAMA: Thank you, Richard.

21 Can everyone hear me? Okay.

22 I -- I feel like -- excuse me?

23 AUDIENCE MEMBER: The speaker is fuzzy.

24

MR. CLEAMA: Speaker is fuzzy? Oh, okay.

25

1 Is this any better?

2 AUDIENCE: Yes.

3 MR. CLEAMA: Does my southern accent come
4 through loud and clear?

5 AUDIENCE: Yes.

6 MR. CLEAMA: Well, after living in Washington
7 for 25 years, the southern accent is -- on your
8 effectuation, I pull out on public occasions, so --

9 Well, as Richard said, I am director of the
10 Office of Federal Agency Programs with the Advisory
11 Council on Historic Preservation.

12 And it is indeed a distinct honor and
13 privilege to be here today with you. This is my first
14 visit ever to Sandy Hook.

15 And this meeting is being jointly sponsored
16 by the three principal parties in this Section 106
17 process. First and foremost, the Federal Agency, in
18 this case the National Park Service; right up there at
19 the head of the list, is an important player in 106's
20 Estate Historical Preservation Officer, and also, of
21 course, the Advisory Council on Historical Preservation.

22 The -- how many of you have been involved in
23 any way whatsoever in -- in this Section 106 process?

24 Can we get just a showing of hands?

25 Okay. A -- a few long-time players up front

1 here.

2 Let me, if I could, just start our
3 discussions today with a little background on Section
4 106, because that is after all while -- why we are here
5 today.

6 In 1966, the National Historic Preservation
7 Act was passed, and that established the National
8 Preservation Program as we have come to know and love it
9 over the years, and many of you have an imminent
10 familiarity with all that has happened under the
11 National Preservation Program. State surveys have been
12 carried out, properties identified, nominated to the
13 National Register, and it has been a remarkably
14 successful partnership. But one thing congress sought
15 to do in passage of the act is to direct Federal
16 agencies to do a better job of considering how their
17 activities affect historic properties.

18 Historic properties we define very broadly as
19 buildings, sights, objects, structures, historic
20 districts, either included in the National Register of
21 historic places or properties that are eligible for the
22 National Register. So it's a very broad universe of
23 historic properties that agencies have to be concerned

24 with.

25 Here, of course, we're dealing with the cream

1 of the crop, a national historic landmark, the Fort
2 Hancock in Sandy Hook proving ground national historic
3 landmark/historic district. And I believe, Dorothy,
4 it's one of 53 NHLs in the State of New Jersey. So
5 we're dealing here with a very premiere historic
6 property. And I don't think there would be any -- any
7 question or debate over that fact. These resources are
8 of exceptional importance in understanding our country,
9 and -- and thank goodness they have been saved. Due to
10 a variety of circumstances and happenstance, these
11 buildings are here today.

12 And the Park Service has a very, very large
13 mission as part of its overall management of all of the
14 historic -- historic, cultural and natural properties
15 here to -- to do what it can to provide appropriate
16 stewardship for these historic properties.

17 Okay. The National Historic Preservation
18 Act, one of the -- one of the real important features
19 was inclusion of provision under Section 106 that
20 directs all Federal agencies to take into account how
21 their activities affect historic properties, and to
22 provide the Advisory Council an opportunity to comment.

23 Now, without getting too much into the weeds,

24 let me just say that the way Federal agencies meet those
25 two basic requirements is -- you guessed it -- following

1 regulations. The council has issued regulations, and
2 those regulations, agencies turn to and they follow the
3 steps set forth in those regulations. And in so doing,
4 take into account affects to historic properties, and
5 for the council, an opportunity to comment.

6 Well, let's take a very quick kind of cook's
7 tour of what's in those regulations. And, again, I
8 don't want to go into it in detail, but I think it's
9 important that you understand the -- the subtext of our
10 discussion here today.

11 First, agencies identify, if they have an
12 undertaking, they identify? If there are any historic
13 properties out there. It's a very logical process. And
14 then if there are, how will the undertaking affect those
15 historic properties. If the affects are deemed to be
16 adverse, then the Federal agency, with others, sees what
17 possible measures might be available to hopefully avoid
18 those adverse affects, mitigate them or minimize them.

19 So what we are talking about here is a
20 consolidative process where the agency consults with a
21 wide variety of parties. Those parties include the
22 State Historic Preservation Officer, Indian tribes and
23 the public.

24 And the point I want to emphasize is that
25 this Section 106 is a very public process. It's one

1 that's intended to be very open to the public. And
2 that's what brings you here today, and that's why you're
3 taking the time out of your -- your busy day to -- to
4 come here and share your thoughts and views. It's so
5 fundamental to how 106 is intended to operate. And I
6 just want to thank you before going any further for
7 doing that.

8 So, generally, as the parties consult, they
9 reach consensus. Here is the way we will consider
10 affects to historic properties, and that is generally
11 set forth in a memorandum of agreement. And that
12 agreement is signed by the parties, and that -- that
13 brings Section 106 to -- to an end.

14 There are, however, more complex projects.
15 Projects that may unfold over a long period of time, or
16 projects that govern how a Federal agency manages
17 property in its ownership or control. And in those kind

18 of situations, there is a different tool that is used,
19 and that's called a Programmatic Agreement. The
20 principal is the same; through consultation, good-faith
21 consultation, trying to identify what we should do to
22 govern how we manage and -- and carry out our

23 activities with respect to these historic properties

24 over the long hall.

25 And so that is why we are here today, is to

1 discuss and learn from you what you believe should be
2 included within a proposed Programmatic Agreement that
3 has been developed, and that draft has been provided
4 through a variety of means.

5 And that draft -- let me just run through
6 some of the high points of the draft. As it relates to
7 the proposed Fort Hancock rehabilitation and adapt views
8 property. The PA draft is now -- now outlines a number
9 of measures. It's a ten-page document. It's very --
10 very comprehensive, but those are -- the key measures in
11 that agreement include and are as follows:

12 The lessee will engage a qualified property manager and
13 an archeologist meeting secretary of interior
14 professional qualification standards. Leasee will
15 provide a written plan for implementation of
16 rehabilitation historic buildings. The Park Service
17 commits to halt work on the site if any activity
18 conflicts with the secretary standards.

19 Let me just digress for a moment. The
20 secretary standards -- we're going to be talking and
21 discussing that a fair amount today -- these are the
22 recognized standards that govern how good rehabilitation

23 should be carried out. And the theory is that if you
24 are following the secretary standards, than you're
25 rehabilitating that -- that historic building in a way

1 that fully respects the important qualifying
2 characteristics of that property. The secretary
3 standards are very important to how this Programmatic
4 Agreement is intended to operate.

5 The PA provides specific provisions for
6 consultation with the SHPO on design and specifications.
7 Another stipulation deals with approval of how documents
8 will be certified as meeting the terms of the letter and
9 spirit of the PA. There are other stipulations that
10 relate to treatment of archeological sites, and then
11 there are some pretty standard housekeeping measures
12 about, like, for example, how do you resolve a dispute
13 if down the road the parties are looking at a plan and
14 they -- there's an honor disagreement about what should
15 be done? So that's the agreement.

16 I -- I -- I hope yawl have had a chance to
17 look at it, and we certainly look forward to getting
18 your comments on the PA.

19 Before turning the problem back over to
20 Richard for discussion about the project itself, are
21 there any questions about Section 106, the council's
22 role and what we're here and all about today?

23 Yes, sir?

24 AUDIENCE MEMBER: I heard you say that we're
25 (inaudible) comment. (Inaudible) the Programmatic

1 Agreement having questioned in theory is that the
2 deadlines are submitted, which, I think, expired, I
3 think, around June or even earlier this year. Is the
4 (inaudible) period now reopened?

5 MR. CLEAMA: Well, I -- I wouldn't say that
6 it's technically closed from our standpoint, but by all
7 means, we are -- we are here to hear your views and
8 thoughts and suggestions and recommendations today, and
9 then we fully intend to leave that period, the record
10 open, so we -- if you have other thoughts you want to
11 share with us, we'd be glad to get those.

12 Any other questions?

13 Thank you.

14 MR. SPEAKER: Thank you, Mr. Cleama.

15 Again, we'll be receiving comments, accepting
16 comments on the Programmatic Agreement through November
17 30th. So please feel free either to respond to the
18 superintendent Sandy Hook in writing, or you can
19 certainly submit comments on the internet, so search.

20 AUDIENCE MEMBER: Question: Since the
21 Programmatic Agreement refers to a lease, I'm looking at
22 the lease (inaudible)?

23 MR. WELLS: The lease is available. It's

24 been widely distributed, and today, it's available on
25 the National Park Service Website, which is

1 www.nps.gov/gate, and click on "management documents,"
2 and you'll see it right there.

3 At this point, I'd like to introduce our
4 congressman, Congressman Frank Palone, Jr. from Sixth
5 District of New Jersey.

6 MR. PALONE: And I -- I apologize for coming
7 up here so earlier, but I -- as you know, the election
8 is only a week away, and so I'm out involved with that,
9 and it's so important that I -- I think I have to get
10 back to campaign activities, I guess, is the best way to
11 put it.

12 I just wanted to thank the Park Service and
13 the Advisory Council for coming here to Sandy Hook
14 today, because I do think that this opportunity is very
15 important.

16 As much as the issue of historic preservation
17 is intertwined and recreation uses, and I guess the
18 concern at the same time that I have and others have
19 about potential commercial uses. I do think that
20 there's something very unique about the historic aspect
21 of Sandy Hook and the context of what we've been
22 discussing over the last year or two that it really does
23 need a separate opportunity. And that's why I -- I -- I

24 asked or joined with Commissioner Campbell in requesting
25 that the Advisory Council come here today to shed their

1 expertise on Fort Hancock.

2 And I -- I wanted to say a few things. I do
3 think that Fort -- Fort Hancock is -- is not only unique
4 in terms of military history, but also that that
5 military history is a very important part of our history
6 here at the Jersey Shore, and that's why I do think that
7 the historic structures need to be preserved. You know,
8 I'm not an adequate for tearing down the buildings or
9 continuing to let them deteriorate. I think we need to
10 do something about them, and we need to do something
11 now. You know, not five or ten years ago -- from now to
12 make sure that they are preserved.

13 I just wanted to say a few things, though, or
14 maybe raise a few questions that maybe could be asked in
15 the -- in the context of the presentation today.

16 One of them is the whole issue of what would
17 happen in terms of preserving and suring up -- suring up
18 the buildings, you know, before the lease or the -- or
19 the -- or in this case, Wassel moves forward? I mean,
20 obversely, many of us are hoping that we don't move
21 forward with the lease, but in the event that we do, or
22 with this lease or any other lease that might come
23 along, to what extent is the Park Service going to be

24 able to sure up the buildings and preserve them until

25 such time as -- as Wassel or somebody else moves

1 forward. Because I continue to get concerns expressed
2 by constituents that not enough is being done to make
3 sure that the buildings are preserved or boarded up or
4 weather proofed in the interim, before the larger
5 project, if you will, to restore them moves forward.

6 The other thing is there's -- there continues
7 to be concern about, you know, whether or not the
8 proposed lease, you know, pays a lot of attention to the
9 exterior of the buildings, but not enough to the
10 interior of the buildings, in terms of historic
11 preservation. So -- so I think we need to look -- we
12 need to have some details about the inside of the
13 building, because, obviously, many of us feel, and I'm
14 sure the Park Service does as well, feel that retaining
15 the character of the historic structures means both
16 inside and outside.

17 And then related to that is the whole issue
18 of public access. There continues to be concern about
19 whether or not if -- if many of the buildings are used
20 for commercial purposes, that means that the public will
21 not have access to the building. Now, I have someone
22 who said: Well, if the buildings continue to
23 deteriorate, the public isn't going to have access

24 anyway. But I don't think that's the issue. I think
25 the issue is to what extent the Wassel proposal provides

1 for public access.

2 The other thing -- another area that comes up
3 continually is the sort of ideology. In other words, I
4 believe that historic preservation is very much -- is
5 very combatable recreational use. In other words, I
6 don't think there is any reason why we can't have
7 recreational uses at Sandy Hook and at the same time
8 have the buildings upgraded and -- and -- and, you know,
9 preserved in their original character. But I still
10 think there is a problem in the same way that -- that
11 the Park Service and the recreational uses at -- at any
12 kind of National Park are incompatible with commercial
13 uses. I think there is also a possibility or a real
14 sense on the part of a lot of us that there's
15 incomparability with commercial uses and historical
16 preservation.

17 So I guess what I'm trying to say, without
18 being too bureaucratic is: Historic preservation: and
19 recreational use, to me, are very compatible, but
20 commercial use of the building may very well be
21 incomparable with both ideologies. Because
22 theoretically, the Park Service or, you know, national
23 parks exist for recreational use, and they can exist for

24 historical preservation, but not necessarily for

25 commercial purposes.

1 And I think there's a very burden, if you
2 will, for the Park Service to convince us that -- that
3 somehow those commercial uses would not only limit
4 public access, but also have some negative impact on
5 both recreational and historic purposes.

6 And then two other things, or at least one
7 other thing, at the hearing that I had a couple of
8 months ago, I guess it was in September, there was a
9 question raised about whether the lease provided the
10 developer with the ability to -- you know, if a building
11 was destroyed, you know, maybe through a hurricane or
12 some other way, whether -- or even intentionally,
13 whether or not -- what would happen in the effort to
14 rebuild? In other words, would -- would it be possible
15 to simply knock down an existing building and rebuild it
16 on the footprint of the old building? Because, again,
17 that seems to be incompatible with historic
18 preservation.

19 Again, I'm not looking -- I understand that
20 you're not here to deal with the whole issue of whether
21 this should be leased out to Wassel, and, you know, the
22 larger issue necessarily. But I think that in the
23 context of historic preservation. there's a lot of

24 concern about whether or not in moving forward with this

25 lease, the Park Service is having a negative impact on

1 historic preservation in the ways that I outlined.

2 Those are just some of the questions that I
3 have, and, you know, hopefully they will be answered in
4 the context today.

5 And I'm going to stay a little bit, but I
6 can't stay for the whole time, but I have my
7 representative here to listen to, and also take
8 questions, if anybody has any them.

9 But thank you so much for being here today,
10 because I think this is an important part of what we're
11 all about at Fort Hancock.

12 Thank you.

13 MR. SPEAKER: Thank very much. Appreciate
14 it.

15 MR. CLEAMA: Richard, do you want to now
16 proceed with a presentation on the property? Right?

17 Thanks.

18 MR. WELLS: Thank you.

19 Once the projector is warmed up a minute, I
20 hope you'll all be able to see the -- it's a pretty
21 level-lighted room.

22 And to provide for the enjoyment of the same

23 in such a manner and by such means as will leave them

24 unimpaired for the enjoyment of future generations.

25 Sandy Hook is part of a larger complex of

1 parks. There are 22 park sites in the -- around the New
2 York Harbor, what we refer to as the National Parks of
3 New York Harbor. And they range from Alexander
4 Hamilton's home, Grant's Tomb, Govern's Island, the
5 Statue of Liberty and Ellis Island, all the way to Sandy
6 Hook. It's also part of Gateway National Recreational
7 Area.

8 The Gateway Parks, Gateway and Golden Gate,
9 were created and established by congress in 1972 as a
10 way to bring the National Park experience to the -- to
11 the urban environment. Sandy Hook joins units in
12 Brooklyn and Queens, the Jamaica Bay Unit, and -- and in
13 Staten Island.

14 Sandy Hook has a wide arey of resources far
15 more than its beaches. It's historic resources are some
16 of -- as you've heard already -- some of the most
17 important in New Jersey, if not in the nation. The --
18 perhaps the most important Gun Battery at Sandy Hook
19 Battery harbor, and a lustrous military history, the
20 history of our armed forces defending New York Harbor,
21 in a way, defending our nation.

22 Fort -- Fort Hancock is about 110 acres out
23 of the total of 2,044 acres on the Sandy Hook Peninsula.

24 This project today we're dealing with a
25 Programmatic Agreement that addresses 36 out of the 100

1 useful buildings in Fort Hancock.

2 When congress established Gateway National
3 Recreational Area, they directed the secretary to
4 inventory and evaluate all the sites and structures
5 having present or potential historical, cultural,
6 architectural significance, and to provide for
7 appropriate programs for their preservation,
8 restoration, interpretation and utilization.

9 Our vision for Fort Hancock as identified in
10 the General Management Plan Amendment of 1990 is to
11 retain the integrity of the historic scene and to
12 provide for adapted use through the rehabilitation of
13 the historic structures. One of the great things about
14 Fort Hancock is that it is -- it is largely intact
15 military base.

16 One example of -- important to us today is
17 the building that we're in. And you can see it in its
18 historic condition, the way it looks today, and the way
19 it is envisioned to look following its rehabilitation.

20 We've had a lengthy planning process starting
21 back in 1990 -- well, it goes back to 1979 with the
22 General Management Plan of the park, but through 1990
23 many public -- machine slowed down on me -- lengthy

24 public participation in developing the guidelines for
25 this project, as well as the RFP.

1 Actually, planning for this project goes way
2 back --

3 Sorry you missed that slide. I'm not sure if
4 I can make it go back.

5 The National Historic Preservation Act of
6 1966, it was amended through 2000, authorized Federal
7 agencies to lease out unused historic properties.

8 They -- the National Park Service omnibus
9 bill from 1988 revised that authorization to say that
10 the revenues from these leases can be retained in the
11 park and used for other improvement process projects,
12 will also enable the park to expand upon its public
13 problems of recreation and interpretation.

14 Through the years, we've developed exacting
15 standards working closely with the State Historic
16 Preservation Office, starting with the Secretary of
17 Interior Standards, that Mr. Cleama mentioned before,
18 Fort Hancock rehabilitation guidelines where the
19 character defining features of the buildings and the
20 properties were all first identified.

21 In getting down to some pretty specific plans
22 for signed plans and paint plan. And all of this,
23 again, has been done through -- in consultation and

24 cooperation with all of the parties involved today.

25 Again, the -- the vision for Fort Hancock is

1 to preserve it through its rehabilitation and adapted
2 use. And as yawl all know, it's not enough to
3 rehabilitate or restore a building, if it's not used,
4 it's going to continue to deteriorate. So as we were
5 directed in our enabling legislation, the continuing use
6 of these buildings is critically important.

7 And the nature of that rehabilitation is
8 going to be to preserve and repairs the character
9 defining features, as the congressman mentioned. The
10 character of the building is not just its outside, but
11 its inside, as well, and those features have been
12 identified in several documents.

13 Also, when there are historic features that
14 are missing, they may be replaced when there is adequate
15 documentation to do that. And features that -- that may
16 have been installed after the historic period, basically
17 through 1974, and don't contribute to the significance
18 of the park, could be removed. And when necessary, for
19 safety and for adapted use, new features could be added.

20 Again, the character defining features are
21 broad based. They were originally identified in the
22 rehabilitation guidelines that in consultation with the
23 State Historic Preservation Office, they were revised

24 and published in the Environmental Assessment for Fort
25 Hancock. And some of the -- the important aspects,

1 character defining features of buildings on their
2 interiors include the configurations of the rooms, the
3 staircases, the moldings and trims and Preston ceilings
4 are important features.

5 On the exterior, the buildings have important
6 open-front porches and columns and railings, and the
7 form of the roof -- roofs and the dormers, the rake,
8 returns, decorative cornices are all important. And as
9 part of this project, and in fact, as part of all of the
10 rehabilitation work that's done here at Fort Hancock,
11 all of these character defining features must be
12 preserved.

13 Here are just a few examples of the -- of the
14 features that we've discussed. Windows are also a very
15 important feature, and it's our practice to restore
16 windows where possible. Fireplaces, these come out of
17 the history house, many of you seen, doors, and again,
18 trim, stairways and Preston ceilings.

19 It is not just the buildings, though, at Fort
20 Hancock that are important. The entire complex of Fort
21 Hancock is truly important. And as I mentioned, the
22 fact that Fort Hancock in the santo proving ground are
23 largely intact, is critical to their integrity and

24 historical significance, so, the roadways, the walkways,
25 the circulation patterns, the views and vistas, which

1 are so great, the lighting, trees and plantings and the
2 same scale features are important, as well. So familiar
3 image to all of you.

4 Views -- as you know all, the views from Fort
5 Hancock are spatular. We have a -- a large collection
6 of shade trees, but we're missing a good 150 trees that
7 will be replacing as part of this property. And, of
8 course, decorative plantings around resident buildings.

9 Some of you will recognize these shots.

10 We -- with our current partners and in our
11 own practices have demonstrated our commitment to
12 preserving these resources and to rehabilitating them
13 appropriately.

14 And some examples of the forms of
15 rehabilitation that we've undertaken is to replace
16 missing cornices. Very few of the cornices survived in
17 the -- in the historic district, and they'll be
18 replaced. We developed a historically appropriate paint
19 scheme. We're continuing to replace roofs to ensure the
20 weather tightness of these buildings. Restoring
21 windows, and we're moving forward on weatherizing these
22 buildings, not only to enhance their adapted use, but to
23 also protect the original fabric of windows.

24 And we're committed to providing universal
25 access to all of the buildings. And here's an example

1 of how that can, in fact, happen in a sensitive way.

2 Again, the interiors are truly important and
3 opening up obscured features. We developed the -- a
4 detailed sign plan that's compatible with the military
5 history of the park.

6 Sorry. Old computer we can -- if we could if
7 we could afford -- afford a new one, we won't be
8 suffering today. I'm not sure. I'm not sure. Once
9 they come up, they're going to go through very quickly
10 anyway.

11 So, again, there are a few more pictures of
12 how we have sensitively restored surviving character
13 defining features.

14 And basically, I just want to reiterate that
15 the National Park Service commitment and the commitment
16 of all of our partners here at Sandy Hook to preserve
17 appropriate -- preserve these buildings --

18 See, it's coming up.

19 Again, fire regress.

20 And we're back to the beginning.

21 So I think our efforts here with all of our
22 partners have demonstrated our commitment to preserving

23 this resource to preserving the national historic
24 landmark district, and its important features. And the
25 way that we can do that is through rehabilitation and

1 the appropriate use of all of these properties.

2 So sorry for the technical -- technological
3 difficulties, and thank you.

4 MR. SPEAKER: Thank you, Richard.

5 Obviously, the Park Service has its hands
6 full, and it's an embarrassment of riches, really when
7 you think about it, the incredible wealth of historic
8 buildings and their long-term management needs. And --
9 and, obviously, the bottom line is money. Where is --
10 where do you -- what kind of strategies do you develop
11 to somehow safeguard for future generations at an
12 incredible collection of resources?

13 Now, a big part of this will -- will be the
14 utilization of tax credits that will make rehabilitating
15 of these historic buildings attractive to the private
16 sector. And so I think it's just as important that you
17 understand the Section 106 process and how it operation.

18 We'd also like to share with you a little
19 background on the tax act and the certification process.
20 And to do that, I would like to call on Dan Sundars,
21 principal historic preservation specialist with the New
22 Jersey State Historic Preservation Office. And Dan has
23 been with the State since 1987, project -- and

24 imminently involved in the review of this particular
25 project. And Dan has also been working with the tax

1 credit review program for over ten years.

2 Dan?

3 MR. SUNDARS: Hello. Since we kind of swim
4 in a sea of acronyms, I thought I would just slow down
5 for a movement.

6 I'm a project reviewer in the State Historic
7 Preservation Office. And in New Jersey, that's the
8 office of what sometimes is called the "SHPO." And the
9 "SHOP" is the New Jersey official who takes part in a
10 formal consultation under Section 106. So we represent
11 New Jersey, and my office, and we're there to help the
12 Federal agency assess the affects of its action and so
13 forth under Section 106. So work in a state office, The
14 State Historic Preservation Officer, which is part of
15 the Department of Environmental Protection of New
16 Jersey.

17 The reason we're talking about the tax
18 credits in the context of 106 is because the developer
19 is proposing to use the tax credits for some percentage
20 of the houses that get rehabilitated up here, the
21 buildings.

22 Tax credit review requires consideration of
23 the project against the Secretary of Interior Standards

24 for rehabilitating, just like Section 106 does. And we
25 had to kind of come up with the process that rammed the

1 developer and the National Park Service through a review
2 once, not two times when you review them against the
3 same standards. So we suggested, actually, that the tax
4 credit review process would be maybe the best vehicle.
5 Maybe we can modify that a little bit, but -- and we'll
6 talk about that.

7 But that's what we're talking about, the tax
8 credits in the context of 106, because it's all part of
9 the mix in the Programmatic Agreement. In fact, the

10 agreement calls for the tax credit process to provide
11 the sort of technical review process, if you will, of
12 how the buildings will actually be physically changed as
13 part of this project.

14 So what are the tax credits? They're
15 available to all of us. They're a Federal program to
16 give an incentive to rehabilitate historic buildings.
17 So what do you have to do get this credit? You have to
18 have a historic building. We've already talked about
19 these buildings here being a national historic landmark.
20 The buildings of Fort Hancock are described in The
21 National Registered Nomination -- The National
22 Historical Landmark Nomination as -- in the statement

23 and their significance of the nomination, and they're
24 listed in the building description section of the -- of
25 the nominations. So they're explicitly there in the

1 National Historic Landmark Nomination. So the question
2 of whether they're not historic, is not debatable at
3 this point. You may prefer environmental issues, but
4 you can't say they're not historic.

5 The second thing that you have to have to get
6 this credit is, you have to have a property that's
7 historic and that generates income. Generate income
8 through leasing or through commercial -- you know,
9 residential or commercial leasing is the -- is the most
10 -- is the common -- common way of doing that.

11 And finally, you have to have -- you have to
12 get what's called a "certification of your
13 rehabilitation." One of the usual aspects of the tax
14 credit review that we found appealing for this project,
15 in the context of what's happening, is that the review
16 is a before and after review.

17 Normally, when we're dealing with the Federal
18 agency, we review their plans for what they're going to
19 do, and then the project goes away and they build it,
20 and a year later we go by and say: Oh, that's
21 interesting. They changed this a little or they changed
22 that a little or it looks perfect, or what have you.

23 In the case of the tax credit review -- and

24 I'm abbreviating "historical preservation incentives" to
25 "tax incentives" -- there's -- there's an after review.

1 So the applicant has to fill part one of the application
2 form: Is it historic? Part two is a series of
3 photographs that conveys the character of the building
4 as it exists. And part three is a set of photographs of
5 the project after completion. So there's a before and
6 after. There's kind of a check on what's being done
7 there. It assures that you get the highest level of
8 rehabilitation.

9 I've mentioned the standards for
10 rehabilitation. We've heard it a couple of times
11 before. They're on the back table. They're this little
12 green booklet. We got more if somebody should want
13 them.

14 Because I'm giving a pretty short summary of
15 the preservation tax incentives -- we got a stack of
16 these in the back, too. This is a -- actually, a
17 very-well written booklet. "Well written" in a sense
18 that if you keep reading it, you keep learning things
19 about this tax credit rehabilitation program. But this
20 gives you some of the details that I'm leaving out. I
21 tried to focus on those aspects that are relevant to
22 106.

23 Okay. So the developer is filling out these
24 forms. Who's he sending them to? He's sending them
25 through use, through the state office, to a division of

1 the National Park Service in Washington D.C., called
2 "Heritage Preservation Services." What do they do?
3 They're the National Park Service experts on historic
4 buildings, historic landscapes, archeologist. And they
5 focus really on this program.

6 So when they're reviewing projects, they're
7 reviewing them not in the context of the park would like
8 to do this or the park would like to do that. They're
9 reviewing them almost like a judge in case law. We've
10 allowed this before in the past. We haven't allowed
11 this. So -- so the kind of change that's allowable, the
12 perimeters that define that are not park meets so much
13 as what they've done in other circumstances with a large
14 number of rehabilitation projects. There are thousands
15 and thousands of rehabilitation projects. Thousand of
16 outcomes of decisions of what kinds of treatments are
17 accepted and what aren't. So there's a pretty well
18 established set of perimeters there. That staff is in
19 Washington. As I say, it's also the Park Service. So
20 it's a little bit confusing, but there are quite a
21 different office, I assure you.

22 And I'm a project reviewer. I'm not -- you
23 know, I'm not administrator. I'm not any of those

24 things. All I can give you is my experience. Okay.

25 And the value of my experience is that they review

1 things independently, they push very hard for the best
2 quality rehabilitation you can get. And if the
3 rehabilitation isn't good enough, they say: "No." They
4 just say: "No."

5 I've had a project where a developer wanted
6 to replace windows in a nil, and there was a meeting in
7 Washington D.C. that involved the United States Senator
8 and one of his -- a chief aide from another senator, and
9 the Park Service looked at them and said: We
10 understand. We understand your constituents concerns,
11 but our standards say this, and we're going to repeat
12 this hundreds of times. We have to say "no" to you.

13 It's a -- it's a pretty good -- it's a very
14 good group of people. They believe in what they're
15 doing, and they stick to it. So I would like to just
16 reassure you that that review will be objective and --
17 and appropriate.

18 So we're reviewing this project against these
19 standards, standards for rehabilitation. One of the
20 issues, the first hurdle you have to kind of get over is
21 to understand how to use these standards. And the basic
22 idea is that you look at a building in its before
23 condition, how it is as it's -- as it's given to you.

24 And then you access: What are the things gives this
25 building its historic character? So you have to start

1 with that. It's the windows. It's these braces that
2 hold up the ceiling. It's -- it's this abbreviated abs,
3 the Wayne's Coating -- I don't know in this building for
4 sure, but you get an idea for what you're going to do.

5 Then you evaluate the project by evaluating
6 how it impacts those areas, those character defining
7 features, as Richard described, some of them for these
8 buildings. So it's a -- figure out what's historic, and
9 then evaluate how the project affects that historic
10 character, whether it's a historic feature, a historic
11 space, or in the case of Sandy Hook, a historic
12 landscape.

13 I want to point out that the first -- I think
14 I'm going to read it is that:

15 "A property should be used for its historic
16 purpose or be placed in a new use that requires
17 minimal change to the defining characteristics of
18 the building and its site and its environment."

19 There's some bit there of review of use. The
20 Park Service has already signed a lease that allocates
21 kinds of uses to these buildings here. We're not
22 reviewing at that level of use. We're talking about:
23 How does making this building -- well, making this an

24 office space, how would that affect this building? We'd

25 have to subdivide. We'd have to put in partitions.

1 Well, that's going to affect this building adversely.

2 On the other hand, if we're talking about one
3 of the officer's quarters, rebuilding that building as
4 an office might not -- might be a pretty good fit.

5 So we're looking at how the use effects or
6 requires change to the building, to the build historic
7 character, that's what we're trying to get at when we're
8 reviewing the idea of use against the standards.

9 So it's not about how much of this or how
10 much of that -- it's what is this use required in the
11 form of change to the building we're looking at? So
12 that's -- that's very important.

13 Most of the rest of the standards you can --
14 you can read them, and there's a full set of guidelines
15 that accompany them that give you recommended and not
16 recommended treatments. So you get some sense for --
17 for nearly what -- what we're looking for. But we're
18 trying to preserve the historic building through this
19 review process.

20 One other comment I guess I would say about
21 the -- the investment tax credit program and its
22 relationship to 106 is that, because for both the
23 purposes of 106 and for the tax credit program are

24 (inaudible) against the standards for rehabilitation.

25 The one difference is -- and I'm just speaking in

1 practice, my own -- my own take on it, my own experience
2 -- okay -- is that --

3 (Whereupon Tape I, Side A concluded.)

4 MR. SUNDARS: -- we have to consider
5 economics every day in my office, Historic Preservation.
6 You're rehabilitating a building; it's got a slate roof.
7 Can you replace the slate roof? It's going to cost ten
8 times as much as a -- as a shingle. Well, maybe we'll
9 adjust a little bit.

10 On the other hand if the developer is getting
11 a credit, then you may say: Well, you know, but the
12 dynamics here has changed a little bit, you know, you're
13 getting a little for this. I want -- I want a little
14 better rehabilitation. Why don't you replace the
15 missing brackets at the eve. You know, we have a little
16 bit of leverage to try to get a better project out of
17 it.

18 And so that's just something that you should
19 be aware of. We get -- with tax credit rehabilitation,
20 we generally get very good rehabilitating, meeting the
21 standards really at a high level.

22 And, you know, I was just trying to think
23 about this, and I was trying to imagine what kind of

24 questions you might have, so I wrote my own up. You'll

25 have more, I'm sure.

1 First one: Are the historic preservation
2 taxes incentives grant to the developer? No. They're
3 available for everyone in this room, if you have the
4 right project.

5 Are these buildings historic? We've been
6 through this multiple times. Yes. Quite -- quite
7 clearly they are.

8 A related question to the question of a grant
9 of whatever, you know, how do the credits affect Federal
10 tax revenue? That's an issue that's been looked at
11 fairly carefully. And the IRS position is -- the IRS is
12 the third-party in this review because they look at
13 receipts if they do an audit to the developer, to see:
14 How much did you spend? Did you really, you know -- you
15 know, spent what you spent -- spend what -- spend what
16 you said you would? Is that it's a revenue neutral
17 program. In other words, the number of jobs created
18 rehabilitating a building that might not otherwise be
19 rehabilitated, more than offsets the tax laws, the
20 income from those -- from those jobs that are created.
21 So that's -- that's the IRS's position, that's -- I'm
22 just reporting that. That's not a -- not a loss to the
23 Federal Government.

24 I talked a little bit about how the standards
25 are applied. The question is: Is there more one

1 possible solution that meets the standards? Yes. You
2 can rehabilitate one of these -- one of these officer's
3 quarters to be an office space. I would think that
4 would work if you were careful. It can be a bed and
5 breakfast. It might require very different kinds of
6 uses, you'd have to have a kitchen where you could bake.
7 It could be -- I don't know -- something else.

8 In each of those projects might involve a
9 different set of changes, but all of them could meet the
10 standards if you were very careful about what you were
11 doing and -- and you didn't try to fit a use in there
12 that really wouldn't work with that particular historic
13 building. So there isn't only one possible solution
14 here. There's a range of solutions.

15 I talked a little bit about uses. What is
16 adaptive reuse mean? It means you got a new use for the
17 building. These buildings are not going to be quarters
18 for lieutenants and for captains and generals. And
19 barracks are not going to be barracks. The missal is
20 not going to be a missal. What we have out here is a
21 new use, guaranteed, because it's no longer a military
22 installation relation. So the question is: What new

23 uses fit? What do they mean in terms of change? How

24 will it affect the character of Sandy Hook?

25 The final two things that I think I want to

1 suggest as questions we need to -- to resolve, and they
2 come up really in discussion with the Advisory Council
3 of Historic Preservation, which is this independent
4 Federal voice in -- in the 106 process is: How can the
5 public review plan for rehabilitation? Well, we really
6 haven't figured that out. The tax credit review is
7 primarily done in the office by staff. Well, at some
8 point, maybe the plans need to be available. Is that
9 something that's important or not? I don't know. But
10 it's an issue that we should at least discuss.

11 And certainly how -- how disputes about
12 treatment are going to be resolved. There's a --
13 there's an appeal process on the tax credits. In other
14 words, if it -- if -- if a person applying for the
15 credits gets denied on the -- by the staff at the
16 Heritage Preservation Services in Washington D.C., they
17 could appeal it. And there's officials setup to hear
18 that appeal, that's the last administrative appeal. Is
19 that where this goes? Does it go to some more public
20 form? How -- you know, how -- how do we deal with --
21 with questions about those kind of issues are going to
22 be important to consider as we think about this
23 Programmatic Agreement and how's that's going to play

24 out over the next -- however long the Programmatic

25 Agreement ultimately covers, whether it's 60 years or

1 some shorter period.

2 That's a lot of information kind of thrown at
3 you quickly. But, you know, if you have a question
4 about the specific tax credit process, why don't you
5 give it to me now.

6 Yes?

7 AUDIENCE MEMBER: Yeah. You've mentioned,
8 you know, that there's -- there's some give and take as
9 far as how far you go with rehabilitation.

10 One example -- you had given an example of
11 say a regular shingle roof is 10,000, and a slate roof
12 is 100,000. Now, let's say I'm an owner in the
13 downtown, and I won this business, so that I would
14 qualify, because I'm making money. And I -- I want to

15 put a shingle roof up there. Well, you could say: No,
16 it's got to be a slate roof. And I go: No, I can't
17 afford it, so I'm not going to do it. Or maybe between
18 the (inaudible), you're going to give me 30, and I'm
19 going to kick in, say, 60 or whatever -- this must be a
20 little bit different, because this development group is
21 being given the project based on them rehabilitating
22 credits.

23 So when it comes down to this give and take,
24 if they're not happy with the credits they've been
25 given, can they say: Well, we can't afford a slate

1 roof, or we're not doing anything that we can't afford
2 because you're requiring us to put a slate roof in.

3 It's a little bit backwards, but I'm
4 wondering that give and take process, how much give is
5 there going to be on the requirement side, since the
6 whole (inaudible) of this (inaudible) a real
7 rehabilitation?

8 MR. SUNDARS: There's been a whole series of
9 discussion about treatment of buildings in Sandy Hook
10 that goes back, probably not a decade, but probably even
11 or eight years, at least. There's an individual set of
12 guidelines for rehabilitating buildings that -- at this
13 project. I mean, they sort of are created these own
14 little set of standards covering common issues.

15 The slate roof is a little tough, because we
16 would look at how prominent is it. We would not --

17 AUDIENCE MEMBER: (Inaudible).

18 MR. SUNDARS: Yeah. Yeah. I know.

19 But I -- but those questions do matter. We
20 have to look at: Is it feasible to repair this feature?
21 I mean, could you just put some new slates in rather
22 than replacing the whole roof? So, you know, we have to

23 look at that whole range of possibilities from repair to

24 -- to replacement before we -- we gave it a decision.

25 But for an awful lot of the treatments out at

1 Sandy Hook, there's fairly clear answers in the
2 standards for what you really ought to do. I don't
3 think there's a huge amount left to chance, particularly
4 on the outside of the buildings. I mean, that's, I
5 think, pretty well established. There are, you know --
6 there's paint guidelines, there's rehabilitation
7 guidelines, they got molds for some of the cornices. A
8 lot of that stuff is -- is pretty quantifiable at this
9 point, so it's not a surprise.

10 On the inside, we haven't -- we're not as far
11 along in that process, but -- but that process has to
12 happen, too.

13 But ultimately the way the tax credits are
14 setup, the developer has to, you know -- he's -- he's
15 got to go for it.

16 AUDIENCE MEMBER: (Inaudible).

17 MR. SUNDARS: Right. But the way the -- the
18 way the -- the way the Programmatic is written now, he's
19 -- he's applying for the credits or he's going through
20 106 as if he was applying for the credits. In other
21 words, that -- that -- that process, that sort of
22 three-step is -- what's historic about it, what's the
23 before condition and what's the after condition and the

24 set of standards kind of as they are applied by Historic
25 Preservations Services, is what we said we're going to

1 apply here to all of the buildings, whether he applies
2 for the credit or not. So that's the current level of
3 review that we've established.

4 AUDIENCE MEMBER: So you're saying some of
5 that give and take is somewhat short of this process,
6 because the premise is he's going to follow the
7 guidelines?

8 MR. SUNDARS: Certainly -- certainly --

9 AUDIENCE MEMBER: Is it accepted into the
10 lease that you will follow the guidelines or come to you
11 and say: You know what --

12 MR. SUNDARS: Yeah.

13 AUDIENCE MEMBER: -- the cornices and time
14 (inaudible) copper --

15 MR. SUNDARS: Right.

16 AUDIENCE MEMBER: Well, we're going to paint
17 them anyway (inaudible). And he could say: Hey,
18 (inaudible) copper, I can't afford to do this. Well,
19 what happens to those situations because the end result
20 is going to guarantee this?

21 MR. SUNDARS: Yeah, the developer has agreed
22 to meet the standards. The -- the give and take -- a

23 lot of -- the cornice is tough, because there's already

24 kind of a solution there.

25 I mean, if the historic material isn't there

1 -- if he can match an appearance the way I can't see
2 from the ground, we're not going to make him put back
3 copper. So I see your point, but that particular
4 example, I have to kind of set aside.

5 I mean, those issues will come up and -- and
6 that's what, you know, ultimately, we're going to have
7 to say it meets the standards or not in the context of
8 what we see being reviewed by every other state and by
9 the National Park Service in Washington.

10 And if -- if it gets down to a dispute about
11 that -- and sometimes you do get disputes about that.
12 Well, that's what the dispute resolution of part of the
13 Programmatic Agreement is about; how are you going to
14 handle that. So it's -- so it's that process that would
15 lay that out.

16 I don't want to get too far into the
17 Programmatic Agreement. I want to stay with the
18 reservation tax credits here.

19 Let's just work this way. Go ahead.

20 AUDIENCE MEMBER: (Inaudible). Slate roof
21 (inaudible) and a developer comes back and says
22 (inaudible) to do that. We all know (inaudible). And
23 further said: I could do it, if I'm going to open up

24 (inaudible).

25 MR. SUNDARS: Okay. We're -- we're launching

1 right past the tax credits to -- good questions that
2 belong to a panel of people here that can talk about the
3 Programmatic Agreement.

4 Maybe you got -- I don't want to at all put
5 your question aside. The short answer is: It meets the
6 standards or it doesn't. If it doesn't, the PA says: We
7 got a dispute resolution process. And we have to go
8 through that. Okay? So it has to meet the standards.
9 It meets the standards or it doesn't. And if it doesn't
10 -- and there's a little bit of latitude, but -- but
11 these things are -- you know, we know how to do this.
12 We've been doing it for a long time, you know. It's
13 pretty clear whether it meets the standards or not. So
14 that's for dispute resolution, so let's -- let's leave
15 that other part of the question aside.

16 Let's -- I'm just working from left to right.
17 Well, my left to right. Go ahead. Blue. Yeah.

18 AUDIENCE MEMBER: How do you balance the
19 historical nature of (inaudible).

20 MR. SUNDARS: Okay.

21 AUDIENCE MEMBER: Programmatic Agreement
22 (inaudible). If you (inaudible).

23 MR. SUNDARS: I -- I -- the answer is: It's

24 done every day. We review projects every day. Been in

25 Venice Hall? There's a bathroom, fire suppression

1 system. There's, you know -- you name it, it's all
2 there. In other words, the most significant buildings
3 in America have fire safety systems. They have
4 suppression systems. They have emergency egress. They
5 have fire detection. They have all of those things. So
6 it's not a question about doing it. It's doing it in a
7 way that does not take away from the historic character
8 of these buildings that we care about.

9 AUDIENCE MEMBER: So that they (inaudible).

10 MR. SUNDRAS: So that they meet the
11 standards. They meet the safety standards and they meet
12 the standards for rehabilitation.

13 I mean, we work with the building code, it
14 makes my head swim, but do it every day. We helped --
15 the office helped write sections of the New Jersey
16 Rehabilitation Subcode. I mean, that's how involved we
17 are in code, because it affects the buildings that we
18 care about every day.

19 Go ahead.

20 AUDIENCE MEMBER: Considering the facts that
21 -- that were discussed were available to all. In this
22 particular procurement, we have found out that certain
23 (inaudible) were not allowed and not (inaudible). That

24 a 40-year lease was required to avail themselves of the
25 tax credits, which are an absolute minium. And they

1 were concluding when they spoke with the National Park
2 Service when going with a 40-year lease --

3 MR. SUNDRAS: Your -- your question --

4 AUDIENCE MEMBER: So to make that statement
5 --

6 MR. SUNDRAS: Yeah.

7 AUDIENCE MEMBER: -- that they were available
8 to all belies what happened to the friends of Clearwater
9 and their endeavour to secure the building in the
10 headquarters for 15 years, that's -- it's not a valid
11 assumption.

12 And also, the standards that you say are in
13 the Programmatic Agreement, the good standards
14 (inaudible), the finding of those significant impact,
15 environmental impact, also, was strung with errors
16 (inaudible) upon assumptions (inaudible) without know
17 who the defendants were (inaudible) what traffic
18 patterns would be decorated. How much additional --

19 MR. SUNDRAS: I'm going to have to just --
20 just ease you up here. I mean, I'm doing the tax credit
21 review. And I understand you have -- have a lot of
22 issues you're raising. But we're here to talk about 106
23 and Programmatic Agreement. And if some of those issues

24 can be addressed through the Programmatic Agreement,
25 then we'll have to do it.

1 AUDIENCE MEMBER: Basically --

2 MR. SUNDRAS: No. No. I really want to -- I
3 want to stop. I want to stop and we're going to go to a
4 panel in just a minute, and let's address those kind of
5 questions to the panel, because I don't represent the
6 National Park Service. I can't tell you about how they
7 did their RFP or what people knew about it, what they
8 didn't, because I'm simply not involved in all of those
9 questions.

10 Go ahead.

11 AUDIENCE MEMBER: I want to ask a question.
12 Specifically to what you just said, you can't speak for
13 the Park Service. Your argument on your behalf of the
14 State Historic Preservation Officer (inaudible).
15 Commissioner Campbell (inaudible) consultation today,
16 indicated that he called for (inaudible) meeting that
17 while adopted reuse of public/private partnership maybe
18 appropriate use for (inaudible) and restoration.
19 The current proposal says: We will not succeed without
20 full disclosure (inaudible).

21 And I guess my concern, Mr. Sundras, is the
22 presentation that you've given us here today.
23 (Inaudible), then the State Officer (inaudible). And I

24 would like to know what -- what (inaudible) Commissioner

25 Campbell (inaudible) position on this project?

1 MR. SUNDRAS: Well, I simply can't for Mr.
2 Campbell. He'll -- he'll speak for himself at a later
3 point, I'm sure.

4 You mentioned the word "plans." The way that
5 folds into all of this is we figure out through the PA
6 how the plans are going to be reviewed, and if there's
7 going to be some public comment period or not. I mean,
8 that's -- that's something we can specify in a
9 Programmatic Agreement, if that's -- if that's what
10 happens here.

11 Go ahead.

12 AUDIENCE MEMBER: (Inaudible) tax credits
13 (inaudible). If the US Government were to do the
14 rehabilitation, there would be the same growth tax
15 revenue (inaudible). So isn't that (inaudible)? Is
16 that any (inaudible) on tax revenue, because, again, the
17 same workers make the same money, and pay the same taxes
18 (inaudible) appreciation for the tax credits.

19 MR. SUNDRAS: Right. I -- I have to kind of
20 back away from your question in this sense. The Park
21 Service -- the Park Service is to answer it, because
22 your premise is that if the -- if the Park Service --

23 the Federal Government were to rehabilitate these
24 buildings -- well, the Federal Government is standing
25 next to me saying: We don't have the money to

1 rehabilitate these buildings. So I'm not sure how I can
2 -- how I can put those two things together, side by
3 side. I mean, if they stepped up to the plate and they
4 wanted to rehabilitate them --

5 AUDIENCE MEMBER: Let me ask you another
6 question. (Inaudible). I'm not --

7 MR. SUNDRAS: Yeah, I --

8 AUDIENCE MEMBER: (Inaudible) as far as the
9 impact on the tax credit of the United States
10 (inaudible).

11 MR. SUNDRAS: Right.

12 AUDIENCE MEMBER: (Inaudible) as the IRS says
13 (inaudible).

14 MR. SUNDRAS: Right.

15 AUDIENCE MEMBER: (Inaudible). It seems to
16 me to be (inaudible).

17 MR. SUNDRAS: Yeah. I don't -- I don't think
18 you characterized that properly. Yeah.

19 I'm -- you know, I'm only one small part of
20 the group of people here who have to work together to
21 make this Programmatic Agreement work, if it's going to
22 work.

23 So, Don, you want to get the panel going?

24 MR. CLEAMA: Thank you, Dan. That was an
25 excellent presentation on the tax certification process,

1 and the important role it will play.

2 The rest of this meeting is your meeting.

3 And let me -- let me start before we move into that
4 point in the proceedings, and thank the Park Service, I
5 guess for all of the great snacks back there and the
6 drinks. Everybody feel free to help yourself.

7 And normally, what we do in a consultation
8 meeting to reach an agreement is it -- it is a very
9 informal process where the parties typically are around
10 a square table, and not in this sort of a setting.
11 And our goal is to encourage a good dialogue and a good
12 give and take to understand better the public's views
13 about the project and their ideas about how it could be
14 improved and an agreement reached under Section 106
15 could be improved.

16 To facilitate that, what we would like to do
17 is to hear from you now, but we're anticipating that
18 there will be a fair number of questions, and so we
19 would like to invite a panel to join us up front. And
20 as we proceed through your comments, they can help field
21 some of the questions, that no doubt, will come up.

22 So, Dan -- Dan doesn't get off the hook yet.

23 Dan, if you could join us up front. And also

24 Dan's boss, Dorothy Guzzo, is Deputy State Historic
25 Preservation Officer for New Jersey.

1 I'd also like to invite to the panel Keith
2 Ebret, associate regional director of the Northeast
3 Regional Office of the National Park Service.

4 Keith?

5 John Neidbach, director of the resource
6 management, Gateway National Recreational Area.

7 Thank you, John.

8 Richard, superintendent. If Richard could
9 come back up front.

10 And last, but not least, Martha Katlan.
11 Martha is with the council staff in D.C., and has had
12 the -- it's been her particular (inaudible) to bear to
13 handle this project, so it's only fair that she be up
14 front with the panel.

15 So we've got, we hope, assembled up front
16 everybody that might be necessary to answer your
17 questions.

18 And the task falls to me to kind of be the
19 honest broker and master of ceremonies, I suppose, to
20 kind of move things along. And in order to do that, I
21 would like to urge everyone -- because this is a unique
22 form. It's one that is intended to focus quite
23 specifically on the historic preservation issues.

24 And, you know, any Federal undertaking has a wide range
25 of consequences, and the public has a quite range of

24 Lucy.

25 LUCY ANDERSON: (Inaudible) actual

1 preservation (inaudible). And if the buildings
2 (inaudible) say a storm or fire(inaudible)?

3 MR. CLEAMA: Very good question, Lucy. Thank
4 you.

5 In fact, I wanted to follow-up the
6 congressman's points, and with that one as well, I -- I
7 do have the same concerns.

8 So your question is: To what extent does the
9 Programmatic Agreement address what happens to the
10 buildings in the interim, and whether if a building were
11 damaged, or something else like that happened, that the
12 building could be replaced that in -- and that be done
13 consistent with the terms of the lease?

14 AUDIENCE MEMBER: (Inaudible)

15 MR. WELLS: Sandy Hook Partners -- Sandy Hook
16 Partners has worked with the National Park Service in
17 developing a plan for short-term stabilization of the
18 buildings. As we know, there are some broken windows,
19 there are places where water intrudes under the eaves,
20 and all of that has been scoped out and estimated, and
21 they foresee bids from contractors and will be
22 proceeding with that work in the immediate future. I'm
23 assured that that would start within the next two weeks,

24 and it will certainly be completed before the snow
25 starts flying.

1 The lease is prescriptive about the
2 replacement of missing buildings. There's no provision
3 the lease that -- that authorizes our private partner to
4 rebuild a missing building. That is strictly at -- to
5 the interest -- or strictly a decision on the part of
6 the National Park Service.

7 But again, one of the elements of
8 significance about Sandy Hook is that -- and Fort
9 Hancock, is that it is intact. It's an intact
10 landscape. And the largest features in that landscape
11 are the buildings. So if a building is lost for
12 whatever reason, then it creates a hole, a gap in the
13 whole complex. And it may be in the interest of -- of
14 preserving the whole landscape to replace a missing
15 building.

16 And, of course, any replacement of a missing
17 building has to comply with the Secretary of Interior
18 Standards. And there, you know -- there's a
19 long-standing historic preservation practice about
20 buildings being combatable in scale, material, height,
21 relationship of solids to voids, where the windows are
22 in the buildings.

23 So -- and -- and the standards require that a

24 new building be or any -- any elements, like, elements
25 that are required for -- for fire regress or universal

1 accessability, should be combat -- should be
2 contemporary in design, but combatable with the historic
3 structure, so that no one's misled to believe that
4 that's a surviving historic feature.

5 So again, the decision to replace a missing
6 building is entirely up to the Park Service and any --
7 any decision that's made about what replacement building
8 might look like, is done fully in consultation with all
9 of our preservation partners.

10 MR. CLEAMA: Richard, stipulation seven in
11 the agreement says:

12 "The partner shall not alter any plans,
13 scope of services or other documents that have
14 been reviewed and approved pursuant to this
15 agreement."

16 Is that a stipulation that would kind of
17 govern what you're suggesting here or --

18 MR. WELLS: Well, I -- I understand that that
19 stipulation goes to the long-term life of the
20 Programmatic Agreement. And that any changes -- any
21 future changes would fall under that stipulation.

22 The -- certainly, any significant action or

23 actions having the potential to affect the property
24 (inaudible) would again require the full compliance
25 process.

1 MR. CLEAMA: Okay. Next comment.

2 Yes, ma'am?

3 AUDIENCE MEMBER: (Inaudible).

4 MR. CLEAMA: I'm -- I'm sorry?

5 PAT O'SUCH: Yes. Good afternoon. I'm Pat
6 O'Such. I was just saying that at the last meeting that
7 we had with Congressman Palone DeForum, I brought this
8 specific point to the DeForum's view point, and I asked
9 Mr. Wells, and he came out finally and did admit that
10 they could build new buildings on old footprints. And
11 that another point of the lease that needs to be
12 considered, and for you folks to all be aware of, is
13 that there is a section of the lease that says that the
14 developer can make requests, and those requests cannot
15 be unreasonably denied or delayed. So these things can
16 be relative changes.

17 And you folks just really need to have your
18 eyes open when you're reviewing these things so that you
19 are aware of these stipulations.

20 Thank you.

21 MR. SPEAKER: Are we going to --

22 MS. SPEAKER: Respond.

23 MR. SPEAKER: I -- sure, feel free, Dan.

24 MR. SPEAKER: In terms of new buildings, I
25 think there's really only -- is it only one side at this

1 point?

2 There's two. There's the hospital, which is
3 gone. And what's the other?

4 MS. SPEAKER: (Inaudible).

5 MR. SPEAKER: Right. Right.

6 So there's -- there's -- there's -- there's
7 two foundations of buildings out there that can possibly
8 be this concern or this issue that you're raising.

9 The idea --

10 AUDIENCE MEMBER: (Inaudible).

11 MR. SPEAKER: Okay. Well, the Officer's Club
12 still stands. So let's call that a building for the
13 moment. We're soon going to get to rehabilitation.

14 The other buildings -- the ideas is that to
15 put a building back that's combatable with the
16 historical character district when it, in facts,
17 enhances the district. Because you --

18 AUDIENCE MEMBER: (Inaudible).

19 MR. SPEAKER: I'm not going to address the
20 corporate private, but I -- I guess what I will say is
21 that the universe of possible buildings on existence
22 footprints is limited to two.

23 AUDIENCE MEMBER: (Inaudible).

24 MR. SPEAKER: Well, that --

25 MR. CLEAMA: Is it -- is it a concern that

1 such new construction would undermine the quality of the
2 historic district? Is that --

3 AUDIENCE MEMBER: (Inaudible).

4 MR. SPEAKER: I would just like to also add
5 that, frankly, in a situation like that, I don't think
6 it would be appropriate to immediately assume that there
7 would be another building put in place.

8 One of the things that the Park Service
9 obviously is very -- thinks is very important is the
10 whole issue of the historic fabric. This is a national
11 historic landmark. This is the real thing. And while
12 you can reconstruct in -- in -- in theory and you can
13 put back in appearance something that has been lost, the
14 point is: The real thing is gone.

15 So it seems to me that the real question
16 would become and would need to be entertained and really
17 thought through in a comprehensive way with a -- a
18 variety of people, and perhaps including public input,
19 as well, I would add, is: What was -- what is the
20 relative value or benefit of putting that building back?
21 In other words, what was the use that was lost? What is
22 the -- what is the gap or the -- the impact to the
23 historic fabric and the historic district?

24 And you really kind of have to weigh these
25 particular values. I would say this: Really, when

1 you're talking about something that's the real deal and
2 you lose it, you know, if -- if you put something back,
3 it is -- it's probably going to -- if you really thought
4 the need was worth it, you would probably be talking
5 about combatable new construction, whose benefit or
6 contribution is to complete the district or to sort of
7 create the relationships of the buildings themselves.
8 But I don't think that would be a kind of decision that
9 would be taken lightly or quickly.

10 MR. CLEAMA: Okay. Next comment.

11 Yes, ma'am? Could -- could -- I'm sorry,
12 could -- could you step to the mic, please?

13 BARBARA McDEBBIT: I like your answer and I
14 thought it was reasonable. My name is Barbara McDebbit.

15 But you kept saying, you; if you thought that
16 it wasn't a good use, if you thought it was represent
17 too big a loss. And it's not us. You know? If it was
18 us, if it were really you -- us -- we'd be fine with
19 this, wouldn't we?

20 Yeah.

21 So --

22 MR. SPEAKER: I would agree.

23 BARBARA McDEBBIT: No. I'm not asking you to

24 be more accurate with your pronouns. I'm asking you to
25 include us.

1 MR. SPEAKER: Well --

2 BARBARA McDEBBIT: And I'm asking, whoever
3 the appropriate person is here: Why we have not been
4 included in any of the decision-making process?

5 How -- I mean, you call these meetings, and
6 it's all smoke, because all your decisions have been
7 made. You call these meetings in the guides of
8 communication, and your decisions have already been
9 made, you're presenting them to us as if they'd are
10 complete.

11 Mr. Cleama, it's the first time that we've
12 seen you. I have to wonder whether you really in your
13 heart of hearts agree with this plan. I have to wonder
14 that about every single one of you. And I wish I could
15 get each of you, individually, and have you tell me the
16 truth.

17 What? Wait. Okay.

18 And I have one question. Actually, my first
19 question is: When will you include us? What are your
20 specific plans to include us?

21 And my second question is: If it comes down
22 to a choice between increasing commercial space and
23 living up to the spirit and letter of the preservation,

24 or having to increase commercial space in order to do

25 that, what would your decision be? Does that option

1 exist? Will you allow further commercial development in
2 order to achieve adequate -- not perfect -- adequate
3 preservation?

4 MR. CLEAMA: If I could, let me respond to
5 the first part of your question there, and maybe go a
6 bit off record here to do so.

7 I -- you know, the reality for us under
8 Section 106, is typically we're in a meeting like this
9 discussing plans by Federal agency to demolish historic
10 buildings. That's -- you know, that's a normal day's
11 work for us. The Air Force wants to tear down 16
12 officers' quarters, add installation, or, you know, the
13 fire service is clearing out all the recreational
14 residences on a national forest, or the VA has changed
15 its mission, and says: We're going to tear down all of
16 these historic buildings.

17 So I'm going to be quite frank with you, when
18 a Federal agency comes to the table and says: Our goal
19 is to utilized partners to preserve historic buildings,
20 then that's -- that's pretty much a slam dunk for us.

21 And -- and -- and so, you know, what we're --
22 having said that, it's vilely important that this
23 agreement lay out a good clear road map. And one of the

24 things that it probably need to do, you put your finger
25 on, and that is identify a clear -- all the sign posts

1 that we need as this unfolds so the public has a
2 meaningful role in the rehabilitation of these
3 buildings.

4 So that's a very important point, and I think
5 it's -- it's one that we have to put on the table here
6 as we look at this agreement and how to improve it.

7 And if there were any other response --

8 AUDIENCE MEMBER: (Inaudible).

9 MR. SPEAKER: I'll just respond to the first
10 part a little bit, just to turn the question back up --
11 woop, is that me -- to turn the question back on you
12 just a bit is: We're here soliciting comment, if you
13 can articulate a -- what constitutes in your mind the
14 involvement that you would like to have, I would suggest
15 that that would be a perfectly valid comment for you to
16 submit.

17 AUDIENCE MEMBER: (Inaudible).

18 MR. CLEAMA: Commercial use?

19 AUDIENCE MEMBER: (Inaudible). Increasing
commercial use in order to (inaudible).

20 MR. SPEAKER: Well, as I understand it, the
21 lease sets a range of commercial use so called
22 hospitality or (inaudible) commercial use with research,

23 education and office. And those ratios are established,
24 but there's no intent to change those. And that can't
25

1 be changed without, basically, going through another
2 entire round of review, because those were the premises
3 under which the environmental assessment was conducted.

4 MR. CLEAMA: Does -- does that answer your
5 question, ma'am?

6 AUDIENCE MEMBER: (Inaudible).

7 MR. SPEAKER: Adequate. And I -- I -- I
8 really don't think that's fair. There's a set of
9 standards.

10 AUDIENCE MEMBER: I'm not (Inaudible).
11 Perfectly (inaudible) \$100,000 for a slate roof. Now,
12 if you (inaudible) that \$100,00 (inaudible). If you
13 don't (inaudible). And I'm not (inaudible). I really
14 think that you're (inaudible) your job. (Inaudible)
15 more funds in order to (inaudible).

16 MR. SPEAKER: Yeah. I'm -- there's a
17 couple of issues that are -- are floating out here hat
18 maybe it's useful to say something about.

19 You mentioned unreasonable delay being a
20 limitation in the lease. The developer signed this
21 agreement knowing he had to meet the standards for
22 rehabilitation. And the idea of applying for the tax
23 credit was part in partial his decision. If there's a

24 delay in the processing of that review, sometimes that
25 happens, that's something he signed on to when he signed

1 all these documents that he signed. I mean, that's not

2 --

3 AUDIENCE MEMBER: (Inaudible).

4 MR. SPEAKER: Right. No. I understand that.

5 I understand that.

6 What I'm saying is that -- that -- the
7 reviews that are layed out by -- by these various --
8 these processes include what you could call "delay." It
9 takes some time to review these projects. And the
10 developer signed on to that when he signed on to the
11 kind of project that he proposed.

12 MS. SPEAKER: The -- the Federal Government
13 signed on to the, but the state government didn't sign
14 on to that. So if the plans come into our office and we
15 need time to deal with those and those issues, then
16 that's at our discretion, because he can't tell us what
17 we have to do.

18 MR. SPEAKER: Yeah. The -- the second issue
19 that had -- strikes me, that's kind of hanging out there
20 is -- it's -- it's come up a couple of times about
21 demolishing. Buildings -- buildings get demolished.
22 It's an act of God. There's a lightening strike.
23 There's a hurricane. And the concern is: What happens

24 then? And that's a perfectly reasonable concern, and
25 it's something that we need to make sure is covered

1 precisely in the PA.

2 What you're telling us is that you want a
3 chance to comment if that happens. Great. Let's make
4 sure it's in there. We can do that.

5 AUDIENCE MEMBER: (Inaudible).

6 MR. SPEAKER: If the building is lost -- the
7 question is: If the building was lost, okay --

8 AUDIENCE MEMBER: (Inaudible) insurance?

9 MR. SPEAKER: I'm not the expert on the -- on
10 the matters of insurance.

11 I was trying to get to the question of -- of
12 -- of what happens with -- what do we do to replace
13 that. Do we replace that? Do we decide that it's worth
14 replacing it or not? Is it so important to the
15 character of the buildings if we replace it or not?
16 That decision should be part of the PA.

17 The question of: Who has insurance? The
18 Park Service maybe can answer.

19 MR. SPEAKER: If the building that were lost
20 were one of the 36 buildings that's part of our lease
21 with the Sandy Hook Partners, than the Sandy Hook
22 Partners is required to carry insurance for that
23 building, and all of that is prescribed clearly in the

24 lease.

25 If the building were lost and it was under

1 one of our other many partners, one of the other 20
2 buildings here that are currently occupied by partners,
3 then those entities would also have to have insurance to
4 cover that loss. Of course, the Federal Government is
5 self-insured.

6 But the decision about whether -- whether or
7 not to replace that building has the same basis, and --
8 as Keith said, in terms of what are the characteristics
9 that were lost with that building, and how important are
10 they to the integrity of the landmark district.

11 And certainly, the -- the lease prescribes
12 that any changes that would come, although not to be
13 unreasonably withheld or delayed, have to conform to all
14 regulatory requirements to conform to the -- the General
15 Management Plan, to the requirements for compliance with
16 the National Environmental Policy Act and with the
17 National Historic Preservation Act. So there are many
18 safeguards built in, and certainly a public -- those
19 regulations require public participation process.

20 MS. SPEAKER: And in this case, it would
21 entail it -- and actually, reopening the consultation
22 process on the Programmatic Agreement and perhaps
23 amending it if any change was contemplated.

24 So the -- the Programmatic Agreement should
25 be based upon something very concrete. And we look at

1 the preamble to the agreement, it lays out what exactly
2 is the -- the project that the agreement covers. Then
3 there should be a clear stipulation, should anything be
4 proposed which differs from the basis upon which that
5 agreement was originally drafted and -- and executed,
6 one must reopen -- the Federal agency must reopen the
7 Section 106 consultation process in order to consider
8 any amendments to that agreement. And the other parties
9 may not agree to amend it.

10 We don't think that it's a good idea to build
11 another building there, because it's not going to be
12 avoidance of an adverse affect, which is the
13 over-arching principle in this agreement is avoidance of
14 adverse effect by meeting the secretary standards.

15 Well, the secretary standards apply to new
16 construction, as well. And the very decision as to
17 whether you should recreate a building by new
18 construction within a historic district is one everyone
19 would take quite seriously.

20 MR. SPEAKER: Thank you, Martha.

21 Yes, sir?

22 PAUL JOSEPH ZINN: My name is Paul Joseph
23 Zinn. I'm an attorney for Save Sandy Hood Foundation,

24 and I have a couple of comments, a couple of questions.

25 And I have -- I have to say Mr. Cleama, I'm a

1 little concerned by the statement -- I was very pleased
2 when you opened up and said you were here to be the
3 "honest broker." And I think this meeting was called at
4 the request of the congressman and the commissioner to
5 try to further public input into this process.

6 I think what you're hearing from the people
7 standing around me, certainly at least one -- one group
8 of the people around me, but I think from a lot of
9 citizens in this area, is that there has not been enough
10 real public input into the process.

11 I think you've heard today, at least the
12 beginnings of some ideas here, and I would -- I would
13 hope if -- and I stress the word "if" -- the parties
14 sitting in front of me are going to be proceeding with
15 the Programmatic Agreement, there should be some formal
16 provisions in there for public process. There should be
17 formal provisions for some of the stakeholders that have
18 risen on this issue.

19 A lot of people in this room have put a lot
20 of time and energy and effort into this issue. They've
21 got -- they've got -- whatever their reasons for their
22 interest are, be they personal, be they pecuniary, be

23 the environmental, be the historical preservation, I
24 know there are folks here who want to see this put --
25 who are in favor of historic preservation and want to

1 see this particular proposal proceed. I know there are
2 other folks who want to see historical preservation
3 proceed, but not with this particular proposal.

4 I would suggest to you that there are at
5 least two groups out there who have indicated interests
6 here that you should strongly consider as being
7 stakeholders in the formal role in the future, if -- and
8 I stress the word "if" -- if you move forward with the
9 Programmatic Agreement.

10 I said I was pleased with the comment that
11 you made about being an "honest broker," but then I was
12 dismay at your last comment that this was a "slam dunk."
13 I -- quite frankly, it's very disturbing. As an
14 attorney who, frankly, was involved in asking
15 Commissioner Campbell and asking the congressman to step
16 forward and help out, and we looked to the Advisory
17 Council as being the mechanism to help flush out the
18 issues here.

19 Is this the right thing to do? As I
20 understand it, your organization is charged with
21 ensuring that Federal agencies act with -- with -- in
22 their responsible stewardship of historic properties.
23 And the question that has to be considered, and still

24 is not being considered by anybody outside of the MPS

25 is: Is this responsible stewardship?

1 I would suggest to you that a lot more needs
2 to be done to make sure of that. It may be that the
3 Department of Army tends to like to knock down --

4 (Whereupon Tape I, Side B concluded.)

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1 C E R T I F I C A T E

2

3 I, CHRISTY TRAINA, a Notary Public of
4 the State of New Jersey, do hereby certify that the
5 foregoing is a true and accurate transcript of the tape
6 as taken stenographically by and before me at the time,
7 place and on the date hereinbefore set forth, to the
8 best of my ability.

9 I DO FURTHER CERTIFY that I am
10 neither a relative nor employee nor attorney nor counsel
11 of any of the parties to this action, and that I am
12 neither a relative nor employee of such attorney or
13 counsel, and that I am not financially interested in the
14 action.

15

16

17

18 _____
Notary Public of the State of New Jersey

19 My commission expires October, 2008.

20

21 Dated: November 9, 2004

22

23

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3 TAPE TRANSCRIPTION

4 RE: 10/26/04 MEETING WITH ADVISORY COUNCIL ON HISTORIC
PRESERVATION, NEW JERSEY STATE HISTORIC PRESERVATION
5 OFFICE

6 TAPE II (Sides A & B)

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1 PAUL JOSEPH ZINN: But we're dealing with a
2 much different property, a property that you've
3 indicated is one of extreme historical significance, and
4 it's what we can all agree on that. And we're dealing
5 with a different agency. We're dealing with the
6 National Park Service. We looked at the mission
7 statement. That mission statement makes it the primary
8 responsibility of the National Park Service to ensure
9 the responsible stewardship of this property.

10 Now, I'm going to go back to what I said
11 about public process. And I think the comment that was
12 made before me, hit the nail on the head, and I'm not
13 going to belayer the point. There's been -- there have
14 been hearings like this that I suspect had been kept
15 more window dressing than actually having substantive
16 impact. I agree with you, it's hard to get -- we're not
17 going to build concessive in this room today.
18 Hopefully, what we can do -- on both sides of this issue
19 in the audience -- is give the individuals who are
20 responsible with: A. Advising their bosses whether to
21 sign this agreement; and B. If so, what should be in
22 this agreement. A lot of food for thought, and a lot of
23 food to bring back to the bosses.

24 And when I say "public process," I put in a
25 foyer request in late August that I still have not

1 gotten a response to from the National Park Service for
2 all of the underlining documents related with this
3 project; foyer, not answered. Okay?

4 We've gotten -- the bottom line is, here we
5 are, two and a half months later, that's not public
6 process. You got dribs and drabs, but not a response to
7 our foyer request.

8 Process, public involvement, what
9 Commissioner Campbell asked for. We have yet to see a
10 conceptual plan for what the developer plans on doing
11 that shows what he -- not detailed plans, not cornices.
12 Not are we going to have tin here, are we going to have
13 copper there. Let's have a concept plan of what use
14 does he want to put in what building. Let's have it on
15 a board here. Let's have the superintendent show us
16 what it is specifically. Who are these tenants that he
17 is talking about bringing in? Is it Rutger's? Is it
18 Starbucks? Is it McDonald's? I don't know. I don't
19 think anyone in this audience knows, other than Mr.
20 Wassel and his associates. I don't know if the folks up
21 here know. But the bottom line is you
22 have a lot of skeptical people, and you're going nowhere
23 with hearings like this, unless we have some real

24 meaningful exchange of information, that has not

25 happened to date. And that's what's got to take place

1 here.

2 I want to just conclude with -- with one
3 quick technical question. I assume that our being here
4 means the Section 106 process still remains open; it is
5 under review, like I said, whether to become involved
6 with this Programmatic Agreement.

7 My question for you -- I'm looking at the
8 pamphlet that was provided earlier, is it -- there's a
9 statement in there that says that: The Section 106
10 review process has to be completed before contracts are
11 executed, permits are issues, etc., etc., etc.

12 And my question -- I don't know whether it's
13 for you or appropriate for somebody else on the panel
14 is: Given the fact that the Park Services has entered
15 into a lease that it is contended to me, it cannot back
16 out of it at this point, it is locked into this lease,
17 how that lease does not violate the provision here that
18 says: The 106 review process has to be completed?
19 Hopefully somebody can answer that for me.

20 MR. SPEAKER: But there are maybe other
21 people -- don't like this microphone very much.

22 The Section 106 process needs to be concluded
23 prior to the commencement of an undertaking,

24 essentially. And you're right, generally, we have to
25 conclude it before we go to contracts.

1 However, agreements are not subject to that.
2 Agreements -- essentially, we've got an agreement to
3 come to an agreement in terms of a lease. There needs
4 to be an intermediate -- pardon? What?

5 We are in the process of coming to this
6 agreement before a spade hits the ground or a -- or --
7 or -- or sandpaper hits a cornice for that matter.

8 I believe -- is that accurate? Does anybody
9 want to respond to that, too?

10 PAUL JOSEPH ZINN: So -- so -- just so I'm
11 clear, so the lease is not final and binding yet, or is
12 final --

13 MR. SPEAKER: I'm sorry?

14 PAUL JOSEPH ZINN: -- and binding?

15 So is your position that the lease is not
16 final and binding?

17 MR. SPEAKER: No. No. No.

18 My only -- no. no.

19 The statement -- my -- my statement was:
20 That a lease, a document of that kind, an agreement --
21 for example, an agreement with Rutger's to run an
22 educational program, these are not subject to Section
23 106. So we're not -- we're not barred from entering

24 into these with -- with -- prior to the conclusion of
25 compliance.

1 We are required to conclude compliance, which
2 in this case would mean four signatures on this document
3 before we have -- do anything that might have an impact
4 on a historic resource, and that's what will take place.

5 PAUL JOSEPH ZINN: Thank you.

6 And one last question. I -- -- I -- I know
7 Mr. Sundras wasn't able to answer my question before. I
8 see Ms. Guzzo is here is the deputy of the State
9 Historic Preservation Officer. I'd like to reiterate my
10 question from before. I won't repeat Commissioner
11 Campbell's statements, but I think the folks in this
12 room would like to know what Commissioner Campbell's
13 position is or the department's position is presently.

14 MS. GUZZO: Okay. Commissioner Campbell did
15 request along with Congressman Palone for the Advisory
16 Council to come to New Jersey and get involved in this
17 consultation. And that this meeting, what -- what's
18 here today is definitely (inaudible). Whether or not
19 we're going to satisfy you today or whether or not we're
20 answering your questions in a meaningful way, I can't
21 answer that until the end of today.

22 But definitely his letter did set the stage
23 for the meeting today. And certainly, he would have to

24 be involved in any further discussions about what comes
25 out of today to keep going. And that part, I can't

1 speak for at this point.

2 PAUL JOSEPH ZINN: One last observation, as
3 long as we're putting in some ideas about how you might
4 improve the Programmatic Agreement. I look at your
5 Section 5, Requirements to Ensure Completion of the
6 Project, and I don't see anything here to acquire
7 completion of the project, and that's the concern
8 certainly that -- one of the concerns Save Sandy Hook
9 has raised repeatedly, that the -- going into a
10 partnership with this private developer, we don't know
11 what the finances are, we don't know what the financial
12 commitments are. That may not be the Advisory Council's
13 place, has not been certainly described to anybody else
14 here. I don't think it's been described to the folks at
15 DEP.

16 It would seem to me that we're -- the council
17 is proceeding with a Programmatic Agreement that doesn't
18 contain a mechanism that actually compels the
19 performance of the work, performance bonds, etc., etc.,
20 etc.

21 I know some of that may be addressed in the
22 lease, but I would suggest to you that there needs to be

23 provisions in this Programmatic Agreement, as well, with
24 respect to ensuring completion.

25 MR. CLEAMA: Very good.

1 PAUL JOSEPH ZINN: Thank you.

2 MR. CLEAMA: Thank you.

3 Let me just respond, if I could, about the
4 question of whether or not we can move forward through
5 the 106 process in light of the developments that have
6 occurred.

7 This is -- this is always a tough issue.
8 It's never -- there are never really bright lines
9 between when a Federal agency is contemplating
10 something, and when it has crossed the line and made an
11 irrevocable commitment.

12 Certainly raise a valid point that Federal
13 agency needs to ensure its position to be able to fully
14 and fairly complete the 106 process prior to taking an
15 irrevocable action. And that's an important principle.
16 And that's one, frankly, we've been wrestling with in --
17 with respect to this project.

18 I think one way -- one thing that influenced
19 it was Park Service, through earlier consultation,
20 concluded that the work would be fully meeting the
21 Secretary of the Interior Standards. And those of you
22 that are familiar with our regulations, that's one of
23 those important decision points, where a Federal agency,

24 if -- if they're going to -- let's say a city is about
25 to rehab a house under -- with HUD money, Department of

1 Housing and Urban Development. And if they can move
2 forward asserting through consultation with the SHPO
3 that the secretary standards will be met, then they can
4 conclude 106 with the finding of no adverse affect. And
5 I think that may have influenced how things unfolded
6 here.

7 But thank you for your comments.

8 And -- and I didn't mean to overstep any
9 bounds. I was speaking not specifically with regard to
10 this project, but the principle. And -- and it is a,
11 you know, reality for us. It -- more often than not,
12 we're dealing with the undertakings where there are
13 dramatic adverse affects contemplated for historic
14 properties, and not their rehabilitation and reuse.

15 Yes, sir? Would you step to the mic, please?

16 MR. SPEAKER: He said "sir," it couldn't be
17 you. I'll yell to the gentleman to --

18 PETER PIOSUC, JR.: I'm sorry. It's tougher
19 for me to get up and charge --

20 My name is Peter Piosuc, Jr. I am a Fair
21 Haven resident recently retired from the Federal
22 Government with 29 years plus in Federal procurement

23 process, and retired back to the New Jersey area. And I
24 found myself getting involved with the project here in
25 Sandy Hook when I saw the announcement of the meeting --

1 the first meeting that was held here in this chapel.

2 And to relate my comments back to the reason
3 for this meeting here today, the process with the
4 Programmatic Agreement you stated was a very open and
5 public process. And when the Programmatic Agreement was
6 initially put out for public comment, at that time, when
7 I got a copy of the Programmatic Agreement, I noticed,
8 at that time, that the document included by reference
9 for review in conjunction with the Programmatic
10 Agreement; it said "the lease document." At which time,
11 I contacted the office here at Sandy Hook and asked:
12 Did something happen that I don't know about? A lease

13 hasn't been signed. Is that -- that's correct, they
14 told me. I said: Well, what document are we talking
15 about? And it turned out that I was given a copy when I
16 visited the office, and Ranger Fallion was kind enough
17 to make me a copy. Was the draft number 5, dated
18 November 29, 2001, which I had had previously and was --
19 it wasn't a signed lease, and it was totally redacted.
20 And then I have learned, as a result of this
21 meeting from Superintendent Wells, that they lease --
22 the lease is now available on-line, and a copy -- and

23 you -- you -- it can be reviewed.

24 Well, back to the first point, but -- so the

25 document that you were asked to review the Programmatic

1 Agreement with was not the actual lease. So I question
2 how could these comments that had to be submitted, I
3 think back in earlier part of this year, have been
4 pertinent? How could they have been meaningful?

5 And then we learn today, as -- that the lease
6 is apparently available for review. But I ask: Is it
7 an un-redacted copy of the lease, or is it again
8 blacked-out so that all the pertinent information that
9 one might seek to avail themselves up to make an
10 informed decision is not really available?

11 So it -- it just goes to the point that the
12 process has not been open and has not been public, not
13 only in the Programmatic Agreement, but in the
14 procurement process, as well.

15 And with my 29 years in the -- in the
16 procurement arena of the Federal Government, I was
17 enlightened by the Park Service that the regulations
18 that I was seeking to apply were not applicable. Those
19 were the Federal acquisition regulations.

20 But I have the good fortune to ask, and was
21 supplied with the copy of the regulations that I have
22 been told are applicable and pertinent. And they have
23 not been followed, either.

24 And as far as the -- the process being with
25 good standards, it has really not been good standards.

1 The public's interest, I question have they really been
2 protected? Has the stewardship, the good guys, the Park
3 Service, the -- you know, the guys, you know, can they
4 serve two masters? Can they serve the public at large
5 who is supposed to come out here to Sandy Hook for the
6 recreational enjoyment that is available to us in our
7 National Park lands? Will we still -- who do they
8 listen to first; the tenant or the -- or the owners?
9 The "owners" being us.

10 Thank you very much.

11 MR. CLEAMA: Thank you.

12 Yes. Yes, sir?

13 MR. SPEAKER: The other "sir."

14 GEORGE MARFET: Hi. My name is George
15 Marfet. I'm from Ocean Port, New Jersey. I'm also a
16 member of the Save Sandy Hook, the pain in the neck
17 group that comes out here and fights at all of these
18 meetings.

19 I want you to understand why you're getting a
20 certain sense of frustration here from some members of
21 the audience. And that is we really do not believe that
22 there has been a public -- an adequate public hearing of
23 this project.

24 The first time they had a meeting, the
25 National Park Service had a regular formal meeting, it

1 was without any documentation to explain what the
2 project was. For some reason or another, they just
3 didn't get around to Xeroxing any copies. And the
4 second meeting had even less information -- had some
5 information, but not a lot.

6 I was just looking at this, and just -- I'm
7 taking the National Park Service documents just to give
8 you an idea of my frustration; this is the Fort Hancock
9 Sandy Hook Proving Ground Historic District
10 Rehabilitation of 36 buildings. You've seen the piece
11 of paper. If you go to page 9, for example, it will
12 talk about how many people support the project at a
13 given meeting and how many people did not.

14 At the very beginning of this project, nobody
15 had any information except the friends of the developer.
16 So naturally, the came out and they were very much in
17 favor of it. In fact, I happen to be in favor of these
18 buildings.

19 I think the National Park Service -- I will
20 now quote the Asbury Park: "Has been almost criminally
21 -- criminally neglect in maintaining these buildings for
22 30 years." Okay. "Criminally neglect," now -- I'm
23 quoting the Asbury Park Press now. It's not really my

24 opinion. But it talks about they've had two -- talking
25 about public participation. They refer to two

1 partitions of 200 signatures and 158 signatures, and
2 both are opposed to commercialization.

3 The Park Service also received, as part of
4 one of its public hearings, a partition of 1,800
5 signatures given by one of our members, Carol Balmer.
6 And the superintend knows about it because he Xeroxed
7 copies and gave the originals back to Carol. You don't
8 see that here.

9 You see a reference to Kyrollis sending a
10 letter in, and he did send a letter in, co-signed by a
11 lot of developers, but you don't have in here a comment
12 that Congressman Palone after about a year and a half of
13 considering this, has come out against this
14 privatization plan. You don't have in here that the
15 Asbury Park Press, The Two River Times and the
16 Hub/Atlantic Bill, local newspapers to be sure, but
17 newspapers that have spent some time digging into this
18 project, have all come out against it.

19 And you now have a group of around 25 people
20 who are now running fundraisers. The brownie sale will
21 -- or the cake sale will be out in the front yard there,
22 so that we can sue the National Park and stop this.

23 Now, here is what really bothers me, your

24 comment, which was it's a "slam dunk." It's going to be
25 sort of like the global standards comment of Senator

1 Kerry. But I went out to San Antonio, and I saw the
2 true partnership between the Archdiocese of San Antonio
3 and the National Park Service of maintaining the -- the
4 old missions, beautiful job, lovely job.

5 This would also be in my heart and sole a
6 "slam dunk" if somebody came in and just buttoned up the
7 buildings, nevermind restoring them to pristine state.
8 Because either -- the reason I can't say it's a "slam
9 dunk," and most of us can't agree with you on that
10 statement is because this is a National Park. It's not
11 downtown Boston. It's not one of the Old Mill Towns,
12 that you did a beautiful -- National Park Service did a
13 beautiful job of rehabbing some of the buildings, I
14 think it was in Lawrenceville or something like that.

15 This is a National Park where a commercial
16 developer is coming in, getting 36 buildings for 60
17 years, has no background in this kind of work, and the
18 Park Service has been pushing this guy and pushing this
19 guy for reasons I do not know.

20 Rutger's, the State University, if you don't
21 know who Rutger's is, wants to rehab one of the
22 buildings here. They have a 1.5 billion dollar grant
23 from the Costo Foundation -- the -- the name is really

24 much longer. I'll spare you. They don't need the
25 developer that's here, but the Park Service is making

1 Rutger's go through that developer. Right?

2 The other building that the -- that the
3 developer is getting is what they call the Mule Barn.
4 The Mule Barn incidently was rehabilitated with tax
5 payers' dollars. He's not going to do much except
6 change the interior.

7 The other buildings, if I read the newspapers
8 correctly, because I know nothing other than what I read
9 in the newspapers on this property, are going to be used
10 for B&Bs. That would make five of them. But when the
11 Park Service turned down a number of applications
12 several years ago during the initial proposal, they said
13 three B&Bs would be too much, but five today seems to be
14 okay.

15 Every time I turn around, I see
16 misinformation being sent out by the Park Service,
17 obscuration.

18 And what bothers me is that this is a
19 National Park. This is not downtown Red Bank. I would
20 love Mr. Wassel to go in and help Red Bank. Actually,
21 all of Red Bank is actually doing pretty good. I would
22 rather see him go down to Long Branch, but the fact --
23 and I don't mean to offend anybody from Long Branch, but

24 this is a National Park. This is where we're pissed --

25 annoyed.

1 I mean, I just want you folks to know that
2 when you're sitting up here and you're doing all of your
3 preservation work.

4 I'm absolutely -- I've -- I've been out here
5 for 30 years busting the chops of superintendents,
6 saying: When are you going to close up the buildings?
7 And one of the superintendents, who I now know is safely
8 retired, told me -- Ken Morgan -- what I'd like to do,
9 George, is bulldoze them all down, put up a great big
10 billboard and show them how it used to look, because no
11 one is going to fix the place up, unless of course we go
12 commercial.

13 Thank you.

14 MR. CLEAMA: Yes, ma'am?

15 PETER PIOSUC, JR.: My question was not
16 answered by Superintendent Wells concerning whether the
17 lease that is available apparently for review isn't a
18 redacted or (inaudible)?

19 MR. SPEAKER: Mr. Piosuc, the lease is a
20 valid and executable lease. It's not redacted. It's
21 been widely distributed. It's was sent to the press, to
22 media. It's been in newspapers and it's been in -- in

23 libraries, and it is available to anyone who would like
24 to look at it on the internet at www.nps.gov/gate, click
25 on "management docs."

1 PETER PIOSUC, JR.: Thank you.

2 MS. SPEAKER: Don? Don, I think we also
3 need to address the issue that was just brought up about
4 the use on the buildings and how the Programmatic
5 Agreement is going to dovetail with whatever is in the
6 lease regarding the use on the buildings, because we
7 have heard this comment over and over again about what
8 types of uses are going into the building. And I think
9 in terms of how we envision the Programmatic Agreement,
10 either guiding that or dealing with that or whatever, I
11 think this is a legitimate point that this panel needs
12 to address.

13 Jump in here. Whenever.

14 I mean, I -- I think we can start with
15 standard number one about compatible use, and I -- I'm
16 going to turn that part over to Dan, 'cause he's more
17 familiar with some of the other documents that have been
18 performed, like the traffic study.

19 And then we're turning it over to Martha to
20 talk about how the Programmatic Agreement (inaudible)
21 incorporate that.

22 MR. SPEAKER: Get the mic.

23 Well, I don't, you know -- when we review
24 projects, we don't typically get it's going to be -- we
25 don't get a tenant, when somebody comes in for a project

1 of standards. We got it's going to be an office space.
2 And these -- these are the changes that are going to be
3 required to make it work as an office space. And then
4 it is our job to review those changes against the
5 historic building to see what the result will be. Will
6 the result preserve the historic character of the
7 building in the historic fabric? Then it meets the
8 standards.

9 If it wouldn't -- if it wouldn't, then --
10 then it gets denied. We deny projects. We tell people
11 that -- I'm sorry, you're not eligible for this credit,
12 because what you want to do doesn't meet the standards.
13 We do it more often than we'd like.

14 And the other alternative, obviously, is that
15 you -- you try to find a way to suggest mollifications
16 to the plans so that they do meet the standards.

17 But, you know, the issue here that's --
18 that's related, that keeps coming up is this one here
19 about public input. And I -- I don't know about
20 tenants, that's a separate question, but certainly about
21 the changes to the building are something that -- that
22 we ought to be able to find a way to allow some public
23 comment on.

24 You know, that's -- that's a response to what
25 you're telling us. You're concerned about public

1 participation, so we're -- I'm trying to throw out an
2 idea for how the public might want to participate in it,
3 and I would like to hear what -- what you think about
4 that.

5 MS. O'SUCH: Okay. I want to know basically
6 what's in for it -- for us, the public. We paid for
7 this land. We have paid keepers to maintain it for us,
8 namely the National Park Service. We have the river.
9 We have the bay. We have the ocean. It is a magnificat
10 spot.

11 I want to know why -- what would make it
12 worthwhile to the general public of our country, the
13 citizens of our country to give up full usage of this
14 for 60 years? I don't see any true benefit to anything
15 like that for a period of 60 years. And you know that
16 once there are corporate offices, there are going to be
17 blockades where people wouldn't have the ready access to
18 all of these wonderful assets that are here that we
19 currently have.

20 And I need to know, you know, how are you
21 going to make this right in my heart that if I want to
22 have my niece from Atacornus, Washington come out and
23 say: Oh, I'm sorry. We can't go out there today

24 because it's a workday and they've got it -- you know,
25 so we can't access this. I need to know some more

1 information.

2 MR. SPEAKER: Thank you, Ms. O'Such. And
3 I'll be very -- very pleased to answer that question.
4 Because what you get out of it is a rich and diverse
5 National Park in your neighborhood, important to the
6 world. One that is restored and adequately cared for
7 with a -- by a National Park Service that has sought out
8 the widest variety of financial resources to be able to
9 adequately care for that.

10 You're going to get -- you're going to have
11 seven and a half mile of protected beaches. You're
12 going to have trails. You're going to have a nationally
13 significant poly forest that's -- that's better
14 preserved, revenue is able to. You're going to have a
15 national historic landmark district that has been
16 rehabilitated and is adaptively used. A district that
17 is intact and visible to everyone so that everybody can
18 come to enjoy it. You're going to have more buildings
19 that are open to the public that are open today.

20 I -- an office use is an office use. Our
21 dear friends at the American Literal Society occupy
22 House 18 as an office. Our dear friends at the National
23 Oceanic and Atmospheric Administration occupy Building

24 72 as an office.

25 The use of an office is the same. There are

1 -- are a limited number of people that can occupy a
2 space by fire codes. Those same people drive cars.
3 There will be exactly the same affect on the property
4 regardless of who the tenant is. As the State Historic
5 Preservation Office has said, the -- the affects on the
6 property are determined by the uses.

7 The National Park Service -- I'm sorry --
8 Omnibus Management Act of 1998 said that we can retain
9 the revenues here to use them for infrastructure,
10 improvement projects that's going to be -- it's going to
11 allow us to enhance our staffing. We'll -- we'll be
12 able to improve our interpretive programs. We're
13 working right now on developing an audio tour for Fort
14 Hancock. You'll see a greatly enhanced National Park.

15 MR. SPEAKER: Can I -- yeah, I want to -- I
16 want to jump --

17 MS. SPEAKER: (Inaudible).

18 AUDIENCE MEMBER: You know, I'm -- I'm tired
19 of this shmooze. You're trying to convince everybody
20 that this corporate park is wonderful. That all this
21 parking, all this building of sewer systems, of laying
22 of lines for, you know, your internet connections that,
23 you know, we're bringing ferries, you know, we're

24 bringing people in from New York; this is going to be
25 wonderful. I am sorry, it's not wonderful. It's

1 wonderful now, because I can enjoy the solitude, the
2 piece. I can drive out here. I don't have to be
3 worried about, you know, all this extra traffic.
4 You're going to really, really change things, and that's
5 what I hate.

6 MR. SPEAKER: Okay. Billy, could you -- you
7 might want to respond to that from the Park Service
8 prospective.

9 BILLY GERN: My name is Billy Gern. I'm the
10 acting general superintendent for Gateway National
11 Recreation Area.

12 What I actually would like to do is to
13 follow-up on some of the questions. I've been listening
14 to the exchange. And actually try to pull this a little
15 bit closer to the purpose of the meeting, because part
16 of what I think you wanted to do is to talk about what

17 kinds of -- in this particular discussion, we're not
18 walking about everything. We're talking about the PA,
19 the Programmatic Agreement.

20 And I guess the question that I have is -- to
21 the panel is: Would it be helpful to -- not necessarily
22 now, although if we could get it going, it would be fine

23 -- to begin to talk a little bit from these people about
24 the specific qualities that they see as inconsistent
25 with development of this historic district, in terms of

1 the uses. Now, it's -- it's important, because if it's
2 not just uses, but it's things like artificial light.
3 In other words, what kinds of things do you need to have
4 in the PA that would be helpful? That might begin to be
5 at least a basis of dissension between commercialization
6 versus no commercialization. In other words, in -- in
7 terms of what your concerned with. Is there an
8 opportunity here to ask a more pointed question of the
9 audience that would be helpful in the long term?

10 Do you understand we're I'm going trying to
11 go with that?

12 MR. CLEAMA: I do. I do.

13 BILLY GERN: Thank you.

14 MR. CLEAMA: And I would encourage anyone
15 here to speak to that and their comments.

16 But this -- this lady has been very patient,
17 and if you would like to step to the mic.

18 SHIRLEY LAGITUDA: My name is Shirley
19 Lagituda. And I think you people have to hear the
20 positive side of what we have planned to do here.

21 We've heard a lot of negative. An attorney
22 has a group of people here, but we're not all in that
23 group. And I must say that being here now, is not the

24 first time, I can reflect back to the very first meeting

25 and I think the developer was not accused of not

1 presenting what he's planning to do here. I remember
2 seeing slides; this is going to be here, and this is
3 going to be here. And I went home feeling very, very
4 happy about the whole property.

5 I've lived here since 1957, brought my
6 children down here year round, except Christmas.
7 Actually, never came down to Fort Hancock, because I
8 thought it was a private place. We just -- our
9 recreation were the sand dunes and the ocean and that
10 part of this area.

11 But when I hear about a thousand petitions --
12 I mean how many thousands of people live just in
13 Monmouth County? I mean, okay, they were organized
14 enough to do that. But I'm still saying, I said it
15 before, there's a silent majority who would love to see
16 you people do what you have planned to do down here. I
17 think it's a wonderful improvement.

18 I even heard Senator Palone referring to
19 recreation. There was never recreation down at Fort
20 Hancock. You came down just to look at the buildings.
21 And, actually, I'll learn more probably when you fix it
22 up and maybe have presentations than I know now.

23 I mean, what do you expect to do down here?

24 Have a baseball game or play tennis or -- this is not a
25 recreation area down here. There's plenty of parks in

1 Monmouth County where you can do recreation.

2 But I just -- I just feel bad that -- you
3 know, to listen to the negative part, it should be a
4 very positive project, because it certainly has a
5 well-meaning on your people's part.

6 Thank you.

7 MR. SPEAKER: Before the next question, can I
8 just -- can I just say one thing in response to this
9 lady's comment?

10 Thank you. Thank you.

11 I would just like to say that I -- I respect
12 and understand what your point of view, but I don't
13 agree with it. I guess the whole purpose of this
14 property is not to facilitate commercial development.

15 The purpose of this -- the purpose of this
16 project is to preserve the resources values natural and
17 cultural, as well as to allow for the recreational
18 aspect of Sandy Hook. That's why the Park Service is
19 engaged in this. You may not believe it. You may
20 disagree with this approach. But at least hear and
21 accept that that is the goal, that is the goal of the
22 National Park Service.

23 We want to manage these resources so that

24 your child's grandchild's grandchildren can come here

25 and see this national historic landmark here. And at

1 the same time, we have the natural resource -- resources
2 here, and then we haven't -- we haven't traded one set
3 of values for another. And the devil will be in the
4 details, there's no question about that.

5 And the Programmatic Agreement, as we try to
6 hone in on the specifics, has really geared to how are
7 we going to come -- the big "we," the skeptics and the
8 believers alike -- how are we going to ensure that the
9 decisions that are made and the choices as this, you
10 know, lease is enacted, assures that these resource
11 values are protected, preserved and managed? And that's
12 really what -- what -- why we're here.

13 MR. CLEAMA: Thank you.

14 Yes, sir?

15 RON EMERAGE: Thank you. I'm Ron Emerage,
16 the executive director of Preservation New Jersey. And
17 I'd like to start out by making a few statements, since
18 we've heard from lots of other people, as well, and then
19 a couple of questions for the panel.

20 First of all, I would -- I would like to say
21 that in the heart of hearts of myself, our board of
22 directors and the well more than 1,000 organizations and
23 individuals who are members of Preservation New Jersey

24 from all over this state, we believe that this is
25 responsible stewardship of a national historic landmark.

1 And I was very pleased to hear -- finally, really
2 Richard Wells put up there on the screen the National
3 Park Service's original 1916 mission, which is being
4 lost here over and over again.

5 The Park Service was created to preserve
6 cultural, historic, as well as natural resources from
7 the very beginning. And I -- I think I also saw that
8 when Gateway acquired Sandy Hook, the historic resources
9 were part of the original reason why it was created as a
10 park of the National Park Systems. And to lose the
11 historic resources as part of that original intent or

12 certainly the stewardship or -- or lack of present
13 stewardship that the National Park Service has been able
14 to provide, is just wrong, and -- and our membership
15 certainly believes that. It is a national historic
16 landmark. We are -- we are out of stewards. We the --
17 the citizens of New Jersey are the responsible stewards.

18 I would like to point out that the National
19 Park Service was described earlier as neglect for taking
20 care of this historic resource. I'd like to propose
21 that the National Park Service can only do what the
22 congress and the administration provide them with in

23 order to do that, and those people are elected by --

24 AUDIENCE MEMBER: Us

25 RON EMERAGE: -- us.

1 AUDIENCE MEMBER: (Inaudible).

2 RON EMERAGE: Wonderful.

3 Meanwhile, we certainly would not condone
4 simply mothballing the buildings. As somebody said
5 earlier on, I think Richard Wells, we all know who work
6 in historic preservation and with -- with historic
7 buildings that an empty building is a destroyed
8 building, ultimately. It is called demolition by
9 neglect, and it is completely inconceivable that these
10 historic resources should be simply be boarded up or --
11 or -- or nailed shut and left to rot, as they have to
12 date. So, certainly, our membership will not, under any
13 circumstances, condone anything like that.

14 I'm very pleased to see that the rehab
15 standards are the core of all of this discussion. We
16 see millions of dollars of historic tax credit projects
17 unfolding in New Jersey all the time. Working closely
18 with the HPO and watching them as we are -- as we do
19 from time to time to make sure that those standards are
20 -- are fulfilled and followed. And certainly, it would
21 be also inconceivable for those standards to be somehow
22 not followed because they -- they would -- such a --

23 such high-profile project would create an incredibly bad
24 president that future tax credit projects, not the least
25 Section 106 projects, would -- would be endangered. So

1 I'm very pleased to see that the Programmatic Agreement
2 is very strong about those statements.

3 I -- I'd like perhaps Dan to talk a little
4 bit more, if possible, about them -- his statement
5 about revenue neutral, the tax credits.

6 It -- it -- it -- we see all the time that,
7 in fact, when appropriations by the government are not
8 available, the tax credit program is the -- is the truly
9 effective way to provide funding to a property. I think
10 -- I think lots of studies have shown that the front-end
11 revenue in a tax credit project, because after all, the
12 Federal Government in the case of a tax credit project
13 is only forgoing income tax revenue, they are not
14 actually writing a check to anyone. And the front-end
15 revenue at the front-end when those jobs are being
16 created and the -- and the -- and the building materials
17 are being purchased is present value money. A Federal
18 appropriation which, unless we elect representatives
19 that actually appropriate money for Fort Hancock, is
20 front-end money that is simply unrealistic to be able to
21 happen, so I hope that Dan would talk about that.

22 And finally, I think it is very important
23 that there be a public process in the review -- the

24 review process during parts two, and -- and perhaps
25 three.

1 And I think in a way, I don't know of any
2 other example where that might have occurred, but I
3 think in a way it might be a very sort of cutting edge
4 and new way for such a high-profile project to -- to
5 really include the public in more than we've seen in the
6 past in hundreds of millions of dollars of preservation
7 projects.

8 Thank you.

9 MR. SPEAKER: Thank you.

10 MS. SPEAKER: I'm going to address the
11 revenue neutral, because I'm going to flip out when --
12 but in terms of the process, what I'm finding really
13 frustrating a little bit here today is: What do we want
14 do in terms of keeping the public informed here?
15 Because I'm not the Federal Government. I'm with the
16 state government, and I don't have any control over a
17 lot of the issues they were brought up here, but my job
18 is to make sure that as the Park Service moves forward
19 with the redevelopment scheme that we are keeping the
20 Secretary of the Interior Standards as the threshold for
21 this project, and that we're going the best here and
22 that we're keeping the public involved.

23 And I wish we could get into some more

24 subagent discussion about what could we do with this

25 agreement and in terms of the future to keep you from

1 this obvious feeling of having been left out of this.

2 And, again, you got to keep in mind as I have
3 no control over the first parts of what you're talking
4 about.

5 I'm trying to be here to deal with what my
6 job is here today. So if -- as the afternoon unfolds,
7 if somebody could, like, try and tell us what this is we
8 could do to be more helpful and to keep some of this
9 information and keep you involved in the decision
10 making, that would make our lives a whole lot easier,
11 because then it wouldn't be us writing this agreement;
12 it would be you writing this agreement.

13 And then I'm going to -- revenue neutral --
14 John Neidbach is our old hand at tax credit. So --

15 AUDIENCE MEMBER: (Inaudible.)

16 MS. SPEAKER: Sorry. Go ahead.

17 MR. SPEAKER: I was going to make a
18 suggestion.

19 MS. SPEAKER: Okay.

20 MR. SPEAKER: If we could do that, and then
21 maybe go back to that.

22 Slightly rhetorical question anyway: Can we
23 imagine, because those of us who deal with tax credit

24 projects all of the time, particularly at this scale,
25 know that the part two, the -- the part of the process

1 where the developer is providing drawings, plans, that
2 everybody -- that everyone in this room would like to
3 see, and aren't clearly ready yet, where those plans are
4 being reviewed to make sure that they meet the
5 standards. Can we imagine a process that is not so
6 cumbersome that it would collapse in flames? We're at
7 certain stages -- well, I should also say that most of
8 these large scale projects, they are multiple part twos
9 -- parts two that occur in phases as drawings are
10 developed for each of the buildings. I -- I don't know
11 how exactly this would unfold.

12 But can we imagine a non-cumbersome or
13 slightly un-cumbersome process where at certain
14 specified stages of part two submissions there be some
15 kind of a big table here that people can come and look
16 at those drawings and make comments to you, the HPO, as
17 you're reviewing those part two submissions?

18 MS. SPEAKER: It's okay with me, but I have
19 to defer to the property owner here for the public
20 position.

21 MR. SPEAKER: How do we know (inaudible).

22 MR. SPEAKER: It is not at the moment.

23 MR. SPEAKER: Oh.

24 MR. SPEAKER: Pay no attention to the man
25 behind the curtain.

1 Let's -- let's remember that -- that the
2 essentially purpose of this meeting today is to address
3 what has just gone on here. That -- that -- regardless
4 of whether you might believe it or not, I'm here to tell
5 you that the Park Service is committed to public
6 engagement and involvement. The question is how to go
7 about it.

8 So I think what we should do is -- is -- is
9 we have recorded your -- your suggestion there and put
10 that in the box with the other suggestions that are
11 going to come around, with the understanding that there
12 will be a process, and at appropriate points -- this is
13 not the last meeting that's going to take place, folks.
14 At appropriate points in this process there may be more
15 meetings. There probably will be more meetings, and
16 they may cascade. There may be a layering.

17 The existing agreement calls for a master
18 plan, and I believe the lease does, as well, of some
19 level of detail that's greater than anyone has seen
20 right at the moment. Possibly with some greater detail
21 that is currently encompassed by the design guidelines
22 that would make some commitments about: Here's how the
23 developer proposes to treat these. That may be a very

24 good point to, you know, re-establish or to re-enter
25 into the public -- public dialogue. Right?

1 Well, you actually -- with regard to revenue
2 neutrality, essentially, you answered your own question.

3 I don't know if anybody noticed that, but maybe to put
4 it in simpler terms, and forgetting present day value
5 dollars, if a rehabilitation costs a million dollars for
6 a building, regardless of who does it, and you have a
7 developer who does it, the treasury, will forgo,
8 assuming a 28 percent bracket, which is unlikely, but
9 let's go there, will forgo \$280,000. And the concept of
10 revenue neutrality suggests that the -- the income
11 that's going to be generated by people that actually
12 produce this stuff will essentially fill that back up so
13 that -- that it's a wash.

14 If the Park Service does it, we're spending
15 the same million dollars, and the same \$280,000 is
16 coming back to the treasury, obviously, from the same
17 amount of work and the income taxes collected by the
18 brick layers or from the brick layers, but the
19 government is \$720,000 in a hole. On top of that, there
20 is no income stream beyond that. We're -- we're a
21 property that has -- generating some income, which of
22 course the purpose of the tax credit program. That

23 steam, which benefits the treasury, is going to be
24 foregone, as well. So obviously, it's way, way less
25 than in revenue neutral money when the government has to

1 take this on itself.

2 MR. SPEAKER: Thank you very much for making
3 that clear.

4 AUDIENCE MEMBER: (Inaudible) question.

5 MR. SPEAKER: I remember.

6 AUDIENCE MEMBER: I can argue your answer.
7 But give me the same answer with respect to the other
8 people that actually bid on (inaudible) zero dollars,
9 and the work is still making all of that -- all of that
10 taxable income and they pay the government their taxes.
11 So in this case, the government spent zero.
12 They -- they (inaudible), you know, millions of dollars
13 (inaudible) all of these workers (inaudible) Social
14 Security, income taxes, also. So there is a different.
15 I don't (inaudible) the tip of the iceberg in this case,
16 but I don't think you can answer all (inaudible).

17 MR. SPEAKER: Well, there's a slight
18 variation that -- that might be worth considering. Of
19 course the 5013C doesn't pay income taxes, so it's not
20 eligible for the preservation tax credit. There is an
21 aspect -- actually, in the very beginning of the
22 meeting, Don mentioned that in the 106 project that they

23 would be subjected as -- we would be subject as -- as
24 normally to Section 106 review, the same set of
25 standards. Correct?

1 However, under 106, there is the concept of
2 mitigation as opposed to the give and take that was
3 discussed earlier about how you negotiate with the
4 developer about a slate roof, not a slate roof,
5 whatever. You can come up with a net -- a project that
6 is not as good as would be required under the tax credit
7 program, because some quid pro quo could be -- could be
8 established. So it's not an -- an economic argument to
9 be made, you're correct about that.

10 But you -- it's -- it's easier, and I
11 don't want to say "likelier," but -- put it the other
12 way around, the assurance of a high-quality project with
13 that many more eyes on it before it actually gets
14 certified and can proceed, is a lot greater under the
15 tax credit program.

16 AUDIENCE MEMBER: (Inaudible). I'm not quite
17 sure. I know (inaudible) but the purpose of this
18 meeting today is Section 106 is solely (inaudible) the
19 tax credit.

20 MR. SPEAKER: No.

21 AUDIENCE MEMBER: (Inaudible) Okay.

22 MR. SPEAKER: It's about the Programmatic
23 Agreement. It's about the document that will one day be

24 signed, we hope, among the four principal parties

25 AUDIENCE MEMBER: This is not (inaudible).

1 The lease does hold and the developing continues, the
2 rehabilitation of the 38 buildings, is this something
3 that's very beneficial to the developer, but not
4 necessary if they decided to go without the tax credit?
5 (Inaudible). We've heard enough today, we canceled the
6 application. We're going to take all of these and fix
7 the 38 buildings exactly the way that they said it
8 (inaudible).

9 MR. SPEAKER: No. The -- the project is
10 subject to 106 no matter what. The tax credits are an
11 aspect of the Programmatic Agreement. And unfortunately
12 it might have confused a lot of people because it's
13 important to understand how complex some of these
14 discussions can become and understanding who gets to say
15 what to whom and when about what.

16 It's important to get that down so everybody
17 understands what our roles and responsibilities are. So
18 it is one small aspect of the Programmatic Agreement.
19 If the developer decided he didn't want to go for tax
20 credits, it wouldn't change the 106 aspect of it at all.
21 We would still need to get an agreement that just won't
22 be as complex in terms of the interaction, but -- but it

23 would still have the same character and the same force,

24 generally.

25 Do the 106 people want to back me up on that?

1 (Whereupon Tape II, Side A concluded.)

2 (Tape II, Side B)

3 MS. SPEAKER: All responsibility for Section
4 106. National Park Service is not delegating that
5 responsibility to a developer or anyone else. So every
6 action is that proposed in this -- in this broader
7 program that could go up to 60 years, but we assume will
8 be in a shorter number of years, is subject to National
9 Park Service approval, which is subject to Section 106.

10 Now, the Programmatic Agreement is simply an
11 opportunity to define in -- in advance how it is that
12 the Park Service will carry out its 106 responsibilities
13 and how, in particular, for purposes of this meeting,
14 how the public will be involved. You've all picked up
15 on the fact that the -- the tax act program is really
16 not what is normally done under Section 106, and yet
17 it's being resorted to, because it actually helps
18 enforce a higher standards of preservation, but it's
19 missing public participation.

20 So, you know, part of our job at the Advisory
21 Council is to ask questions of the Federal agency in the
22 106 process. So we ask the Park Service and -- and

23 they're giving us answers, and we're going to need your
24 input on this, as well. What is the best process to
25 follow to involve the public as the tax act projects are

1 proposed and reviewed, through a very, you know,
2 structured process that is everybody's, you know, on top
3 of from the technical end, but which normally does not
4 involve the public.

5 So we need to know from you what level of
6 detail you want to see. I heard the -- the concern
7 about seeing plans. Another thing that you have been
8 very astute on is that in -- in developing this
9 Programmatic Agreement there have not been answers to a
10 lot of questions, because a lot of things aren't known
11 yet. And that's one of the circumstances where a
12 Programmatic Agreement is useful. You don't know
13 certain things up front, so you build into the agreement
14 opportunities to ensure adequate consultation once these
15 things are known.

16 So you want to be very specific to -- in your
17 comments about how, you know -- what kinds of things you
18 want to see and what level of detail you are interested
19 in.

20 And another thing I would really like to --
21 oh, and I -- if there were no Programmatic Agreement --
22 I just should say this -- then each project would be
23 subject to Section 106 review individually. Each

24 building -- each -- each -- it would be a separate
25 undertaking. And we're looking at this as a group of

1 undertakings under the Programmatic Agreement. But
2 we're not saying all the consultation is done once the
3 agreement is executed. We're saying this agreement
4 spells out a consultation process for each and every one
5 of these projects that is proposed in the future.
6 And if any of the baseline assumptions change, we have
7 to consult to -- to amend the agreement.

8 I would like to make one other point about
9 how you could focus your input on making this -- this
10 Programmatic Agreement responsive to some of the
11 concerns that I've heard today, particularly about
12 access. I think access is an -- is an extremely
13 sufficient aspect of the character of this historic
14 district and, obviously, the public enjoyment of it.
15 And so this is -- this is one of the questions we've
16 been asking the Park Service, as well, and we want your
17 input on. What is the best access? How -- how do you
18 define adequate access?

19 We felt that there might be a -- a link with
20 the interpretation of the resource; meaning, you don't
21 only want to be able to walk on the grounds.
22 Presumably, you should still be able to do that, and
23 that should be well understood and there should be no

24 question about this going into the agreement. They're
25 -- they're not going to be any places that are cordoned

1 off or, you know, the people -- the public is going to
2 be deprived of. Now, I've heard that there are fears
3 that there will be, so that's why we ask the question:
4 Is this true? It is not true. Okay. And if it were to

5 become true, we'd be back in the consultation process
6 for the Programmatic Agreement. So there needs to be
7 something in the Programmatic Agreement that ensures
8 that.

9 But -- but getting to the heart of your
10 feelings about this place, it seems to me that what you
11 want is not just physical access, but access to the
12 meaning of what is here, what it means historically,
13 what it means in terms of its ambiance and character.
14 And that's where we're asking the Park Service: How
15 would they go about interpreting? And I noticed in the
16 documents that were provided to us that the Park Service
17 has been taking pains to -- to ensure that the Park
18 Service retains all opportunity for interpretation of
19 these resources.

20 So if that is the case, the next step would
21 be an interpretation program. And we understand that
22 there are exhibits and other venues throughout the

23 district for interpretation, but what can be done
24 perhaps would be to link up each individual resource
25 either through some low-key signage or something that

1 would identify it and its role in the larger picture and
2 story of Fort Hancock.

3 So I think if you can contemplate in the days
4 ahead, what -- what it really means to you to have
5 access and what it is you want preserved in a way of
6 your access, than we can build that into the
7 Programmatic Agreement and to an interpretative plan.

8

9 MR. SPEAKER: If I make --

10 MR. SPEAKER: I would just like to respond to
11 that --

12 MR. CLEAMA: One quick comment.

13 I want to make sure before we adjourn that
14 everyone that wishes to offer comments has had that
15 chance, and this gentleman behind you there -- so, go
16 ahead.

17 AUDIENCE MEMBER: All -- all I was going to
18 say to -- to inclusion, to respond to Ms. Guzzo is the
19 -- the -- the preservation of New Jersey would be very
20 pleased if the Programmatic Agreement included the
21 opportunity for the public and us as a consulting party
22 in the 106 process to look at part two plans submissions
23 as they occur, and how the details of that review might

24 occur -- might be for another time, but I think we -- we

25 would feel comfortable representing our constituency

1 across the state that that would be very useful.

2 Thank you.

3 JAMES COLEMAN: My name is James Coleman.

4 I'm a life-long resident of Monmouth County. I'm
5 presently the secretary of Save Sandy Hook.

6 And I have been on this piece of property
7 probably long before a lot of you were born. As a
8 grammar school child, we were brought up here to be
9 taken through the fort, not the officers' houses, the
10 fort. This crumbling mass of concrete up there that has
11 signs "Danger, Keep off," but it has the guns which you
12 could hear from Asbury Park being fired, so is there to
13 man these guns to guard New York harbor.

14 Now, I understood this meeting today was
15 about historic preservation, and I haven't heard a lot
16 about that. And one wonders -- well, first of all,
17 there was a statement from one of the panelist here
18 about further meetings. I do hope you'll hurry, because
19 the Park Service has an agreement with Mr. Wassel's
20 company that by the end of December, they can blow the
21 whistle if he doesn't come up with the money. So you
22 better hurry if you're going to have some more meetings.

23 Now, historical preservation -- again, I have

24 no quarrel with those people who at sunset want to look
25 out the Officer's Row and see these warships out there,

1 fine, that's their prerogative.

2 But that's not what this fort is and that's
3 not what should be preserved. Not where Major X lived,
4 not where Coronal Y lived. It's that mass of concrete
5 up there. I'll contribute to that if it were restored.
6 That's what the fort is.

7 Somebody said there was no pride in public --
8 or empty buildings, that's a lot of nonsense. I can
9 think of two buildings that have been empty for years
10 and draw more people in two months than Sandy Hook.
11 Give you an example, the Parthenon, the Colosseum.
12 Don't talk about empty buildings. That's not what this
13 fort is. These buildings out here; that's that up
14 there.

15 You're going to preserve this by saying this
16 is a restaurant and a cafe. This is a bed and breakfast
17 place. This is an office building. Is that
18 preservation historic? Think about that.

19 Thank you.

20 MR. CLEAMA: Yes.

21 Oh, I'm sorry, ma'am. And then you're next.

22 STEVEN ZULECKI: Good afternoon. My name is
23 Steven Zulecki. I'm a resident of Highlands, New

24 Jersey, local here, and I have a -- a few statements.

25 First, there were two statements that have

1 been made in the last few hours. One originated up
2 front and one of the audience, and one of those was that
3 just recently, regarding the cost of the buildings being
4 the same whether a commercial developer that wanted to
5 put in economically viable uses to these buildings would
6 be the same cost as if the National Park Service were to
7 restore them, and obviously, cannot be true. You don't
8 need to put a kitchen in. You don't need to put in a --
9 a fancy or high-tech services that would be required in
10 in an office building or an extensive number of
11 bathrooms. And -- so the cost would not be the same.
12 So we're not talking about apples and apples here. It
13 would be much cheaper if the National Park Service were
14 to restore these building than if the developer were
15 coming in. So we shouldn't speak as if those two were
16 the same thing; they're not.

17 Another statement originated out in the
18 audience regarding if -- if we don't follow this
19 project, these buildings will fall down. They're left
20 empty, they're going to fall down. Well, we have a good
21 example of a -- a similar type facility that's not
22 falling down, and that's Fort Columbia in Washington

23 State. It's a very similar coastal defense type of --
24 of facility. And it has been preserved by the State of
25 Washington. There are a number of bed and breakfast --

1 bed and breakfasts at the facility that help defray the
2 cost of -- of maintaining it. And with no air
3 conditioning -- which I'll get to in a moment -- they're
4 left in what you would expect to be a much more natural
5 state for this type of establishment -- for this type of
6 facility. One that when you visit it, you feel as if
7 you are brought back in time. You are there to
8 appreciate the history that is part of that facility.
9 And I think it would be very different, very different
10 here. And the test is if -- and -- and I believe this
11 should be the test. Do you visit the facility, do you
12 visit Fort Hancock once a project like this is completed
13 and feel as if you were transformed back to the time
14 when that -- when that establishment -- when that
15 facility -- when that fort was used in its heyday? And
16 I argue that cannot happen under this project.

17 By training, I am an environmental scientist.
18 Professionally, I -- I -- I both involve myself with air
19 pollution issues and teaching at Rutgers University, as
20 well as vice president of the Doyce Consultancy.

21 One of the issues that was glossed over in
22 the environmental assessment and has yet to receive any
23 real attention is the issue of noise. These modern

- 24 office buildings and accommodations are going to have
- 25 commercial air conditioning units associated with each

1 and every one of them. The hum, the unnatural hum and
2 noise that's created from these type of units will
3 permeate the fort and the surrounding natural areas.
4 This is a great deterrent or -- or Dan Sandras, I think
5 it is, from New Jersey, spoke earlier about the adverse
6 affects on historic buildings and historic preservation.

7 We also have and we need to recognize there
8 are adverse affects when we do preserve some place,

9 particularly if we chose to do it in a commercial sense.
10 And we have adverse affects that will come of this
11 project, and noise is just one of them that I think has
12 been -- has been ignored, greatly. And -- and it's
13 mentioned twice in passing in the -- in the
14 environmental assessment, and dismissed without even
15 talking about the sources. This is -- this is
16 ludicrous.

17 The other adverse affect, I think that hasn't
18 been looked at is: What is the affect going to be on
19 the local economy? I'm -- I'm a resident of Highlands.
20 The restaurants, the bars, the pubs, the bed and
21 breakfast that now serve this area in Highlands will now
22 have to compete with these facilities out on Sandy Hook,

23 and not on qual footing, may I add. So those
24 established business in Highlands and Sea Bright and
25 Atlantic Highlands now are competing with a pet project

1 of the National Park Service out on public lands.
2 There's something wrong with that approach. And our
3 businesses and our economy is going to suffer as a
4 result of that. Another adverse affect from this
5 project that has not been looked at.

6 And regarding comments that were mentioned
7 just a few moments ago about resolution in terms of
8 using the Programmatic -- the Programmatic Agreement to
9 resolve issues once they come up: Listen, the reason
10 we're here is because the National Park System, through
11 the current administration, and even the previous one
12 for that matter, saw fit that this is in their best
13 interest to move back logs of -- of projects off their
14 books in a very publically expedient fashion. And by
15 doing so, we're left with the -- with the ramifications
16 of that. So it is in the National Park Service's
17 interest, although I would argue that it's not in the
18 public's interest to go forward with this project.

19 And when issues of -- of -- of conflict come
20 up, it is at that time not -- not realistically in the
21 National Park Service's preview to say: No. Stop. You
22 can't do this. What is -- what is the benefit? I
23 should say: What is the penalty? Go away and leave us

24 with the holding half time, or perhaps done, and then we
25 have to manage them? I mean, there needs to be some

1 realism in this, you know. It's not just the issue of
2 resolving this because we have an agreement, there's
3 economics at play here once this starts particularly.

4 MR. SPEAKER: Well --

5 STEVEN ZULECKI: -- that are not easily --
6 ended very easily.

7 MR. CLEAMA: Thank you, sir. But I think we
8 need to get our next speaker the mic, if that's okay.

9 STEVEN ZULECKI: If anyone would like to
10 address some of those, I think, very important parts, I
11 would appreciate to hear those comments.

12 MR. SPEAKER: I took notes here, and you
13 certainly raised issues that are clearly considerations
14 that have to be dealt with, like noise. Clearly there
15 are choices in terms of how the applications for HVAC or
16 any of that kind of stuff are handled, but those are all
17 very conscious choices, and I would certainly concede
18 that if it's not given good consideration or if it's --
19 those choices are made in a very cavalier fashion, the
20 detrimental result of that is additive.

21 So clearly what you're talking about is the
22 quality of the environment for a visitor, and I would

23 certainly agree that that's got to be front and center,
24 because after all, we're talking about preserving this
25 national historic landmark property; that's -- that's

1 very important.

2 AUDIENCE MEMBER: (Inaudible).

3 MR. SPEAKER: Social impact. Yes.

4 AUDIENCE MEMBER: (Inaudible).

5 MS. SPEAKER: In --

6 AUDIENCE MEMBER: (Inaudible).

7 MS. SPEAKER: In terms of the issues that you
8 raised about what happens if the developer is not part
9 of this. I think that is something that the
10 Programmatic Agreement does need to address, is what
11 happens if we're not -- we're no longer dealing with a
12 specific undertaking or if this moves or changes, and
13 how -- how is this document either going to be fluid or
14 dissolved or renegotiated or whatever, but I do think we
15 need to spend sometime in -- in talking about that as
16 this agreement goes forward, so I think that is a very
17 valid and legitimate point about this.

18 Likewise, the same issues raised where the
19 developer is starting a project and we're all under the
20 understanding that this is using investment tax credit,
21 but what happens if that changes, and how does the
22 Programmatic Agreement deal with that issue, and are we
23 still holding the project to the same standards? And I

24 think some of that does have to get better written into
25 the agreement.

1 AUDIENCE MEMBER: (Inaudible).

2 MR. CLEAMA: Yes, sir? Go ahead.

3 MAJORING FINE: I'm Majoring Fine. I'm the
4 director for the northeast field office and the National
5 Trust Historic Preservation. I guess for the benefit of
6 the audience, just so you know, we're a private national
7 non-profit organization based in D.C. I work out of our
8 field office which covers the work of New Jersey.

9 The National Trust has worked with a lot of
10 the folks up here routinely working with Programmatic --
11 Programmatic Agreements, 106, tax credits, national
12 parks as mentioned often with Federal agency. Sometimes
13 we're working with them. More often than not, we're
14 working on the other side of the table trying to push
15 them in a direction that will result in a preservation
16 outcome.

17 And in regards to national parks, again, we
18 worked with a lot of different sites, specifically in
19 the northeast, not too far from here. Wasn't that long
20 ago when we were very earlier in the process with
21 Governor's Island, trying to negotiate a positive
22 outcome there. Worked in Valley Forge. This is, you
23 know, a problem with national parks all over the country

24 where they have these types of resources and no
25 allocated resources, as far as the financial, to deal

1 with them.

2 And what we've seen are a lot of private
3 public partnerships like this. And otherwise, they have
4 been very successful, both from the standpoint of
5 helping to alleviate the Park Service where unless it
6 has funding to take care of them, these buildings rot,
7 decay and are destroyed, but at the same time maintain
8 the character, the sensitivity, as well as all the
9 impacts are put at a minimum to put in new uses and new
10 strategies for getting these buildings back on-line.

11 It seems like the -- the theme of the day
12 that we hear over and over is this issue of public
13 participation. I certainly understand that being, you
14 know, how close you are to this site and what's being
15 proposed, maybe to try to help address Dorothy's
16 question and what Martha brought up, and also what Ron
17 had brought up. It seems to be if you can build into
18 this Programmatic Agreement, a series of more of less
19 trigger mechanisms based on issues -- issues like
20 access, issues like noise, traffic, and specifically the
21 issue what if the developer changes, what if a major
22 component was proposed is changed. That you have this
23 trigger built into the Programmatic -- Programmatic

24 Agreement that allows the public to come in when those
25 things occur. So you have somewhat of a minimum/maximum

1 standard.

2 And there are a number of places already in
3 the Programmatic Agreement where I could definitely see
4 this type of trigger function playing out, you know,
5 1D4, 3D, 7A, just for starters that you can build it
6 into it. And I think that would help in the long run
7 alleviating the -- the fear of the concern of the
8 people, the residents understanding when and how and if
9 and what process they have a role to play in the future,
10 not just today, but this is a long-term endeavour here.

11 So thank you.

12 MR. CLEAMA: Thank you very much.

13 Other -- other comments? Those that haven't
14 spoken yet, anyone that wishes to speak that hasn't
15 spoken yet?

16 Yes, ma'am?

17 AUDIENCE MEMBER: (Inaudible).

18 MR. SPEAKER: Can I just respond to just one
19 of -- one of your points?

20 Yes. This -- this particular program has
21 been used quite successfully all around the -- the
22 service. It may be out now, and you may be able to get
23 it on the web -- on the web. I'm sorry. I can't give

24 you reference right now, possibility on the White House

25 website is the annual report for the Preserve America

1 concept, which, of course, was the title, I think of --
2 is that -- did you guys -- is it published? Is it out?

3 There is a chapter on historic leasing, and
4 it cites a number of things. A couple of ones that come
5 to mind, if you like New England try, you know, lower
6 national historical sight, which is a -- a -- which -- a
7 lot of which -- it's a combination of things, but many
8 buildings were rehabbed with the tax credits. A lot of
9 buildings in the historic district that not actually
10 part of the park were rehabbed using the tax credits,
11 but using in very close consultation with the Park
12 Service.

13 And it's a very rich mixture of uses. The
14 primary one of which is education. And I think you
15 would not have a problem imagining what this place
16 looked like 75 or 100 years ago, wondering through there
17 now. There are a number of good examples, some small
18 ones, if you ever wanted to visit Independence Park in
19 Philadelphia, a nice place to stay is the Thomas Bond
20 House, it's a B&B that was rehabbed under the leasing
21 program and also not tax credits, too. So there are
22 many, many examples out there. This is certainly not
23 the first time that anybody has proposed this.

24 MR. CLEAMA: Thank you, John.

25 Yes, ma'am?

1 Nowhere I mentioned as being a kind of a
2 poster child for this is the Presidio.

3 AUDIENCE MEMBER: (Inaudible) San Francisco
4 City. This isn't a city. This is an urban -- this a
5 jewel and, you know, beaches, ocean that are still not
6 developed and are still belonged to the public.
7 (Inaudible) we are a densely populated state. Why is
8 the Park Service seeking as (inaudible) undertaking this
9 project here at Sandy Hook? As a New Jersey resident,
10 I'm tire of being dumped on.

11 MR. CLEAMA: Yes, ma'am?

12 PAT DROMAN: Hi. Pat Droman, Fair Haven.
13 When I drove out here today, I was determined
14 not to say anything, just listen, but I can't help
15 myself.

16 As I drove passed Officer's Row, I noticed
17 that the same pains of glass are out and broken that
18 were there the last time I was there and the year before
19 that. I kind of lost faith in the Park Service to take
20 care of my buildings.

21 So if indeed you do go ahead and sign this
22 lease, the procurement -- the pro -- whatever the
23 agreement is called, I would -- I have a specific and

24 practical suggestion that the term "demolition by
25 neglect" does not happen here, because if -- if this

1 builder/developer has 36 buildings that he says he's
2 going to take care of, what would happen if you have 12
3 buildings that are fixed up, what is going to happen
4 with the other buildings?

5 Right now, we have demolition by neglect by
6 our own National Park System. How are you going to
7 specifically force or make this developer adhere to --
8 to taking care of the standards that should be imposed
9 on the developer? Will there be monetary problems for
10 him if he doesn't take care of the buildings? Right
11 now, nobody seems to be keeping care of them. So I
12 would like to know specifically how are you going to
13 force the developer to take care of all of these
14 buildings that he would be leasing?

15 Thank you.

16 MR. SPEAKER: Richard, you want to
17 (inaudible)?

18 MR. WELLS: There certainly are monetary
19 consequences of our -- the leasee not meeting standards,
20 and that they -- he doesn't get the tax credits. So
21 there are monetary standards consequences.

22 MS. SPEAKER: Maybe we can address a little
23 bit in terms of long-term (inaudible) the period of

24 activity when the buildings are rehabbed, but what

25 happens after the developer is more or less is finished

1 and their new uses in the building? How do you deal
2 with the long-term maintenance issues out here? And --
3 and shouldn't that be part of what we're discussing as
4 part of the Programmatic Agreement?

5 MR. SPEAKER: The lease is very descriptive
6 on long-term maintains. And the leasee will have to
7 produce and adhere to a maintenance plan. Any further
8 neglect of the buildings would -- would not be -- would
9 not be allowed, would not be acceptable.

10 And I think it's a great thing to incorporate
11 many of these suggestions into the Programmatic
12 Agreement, because, again, it gives us all double
13 protection since most all of these suggestions that have
14 been made are prescribed in the lease already.

15 AUDIENCE MEMBER: My name is -- please.

16 MARYLOU STRONG: Sorry. You can talk after
17 I.

18 My name is Marylou Strong. I'm -- I'm
19 chairman of the Middletown Landmark's Commission and we
20 very whole-heartedly support this project and have been a
21 very dismayed for a long time, because we feel that Mr.
22 Wassel -- and I noticed Congressman Palone -- dispute

23 the fact that he spent several hours at the form, didn't
24 know his name today or how to pronounce it correctly --
25 has been much maligned and I think he's been told he's

1 -- he's hearing that he's not qualified, and that's --
2 that not the case at all. And the Park Service is also
3 hearing that, you know -- you're under attack for not
4 doing your job, and that -- but the fact is that you are
5 stewards. You are stewards for the people.

6 This is a congressional act that you're
7 operating under that has been voted by the congress and
8 reinforced many times. And Section 110 says that not
9 only shall you preserve the buildings, but you shall
10 find uses for them. So it's illegal for the Park
11 Service to just let the buildings fall down and not make
12 an effort --

13 AUDIENCE MEMBER: No, it is not.

14 MARYLOU STRONG: Sorry. I have the
15 microphone.

16 MS. SPEAKER: (Inaudible), please don't
17 interrupt.

18 AUDIENCE MEMBER: You're speaking
19 (inaudible).

20 MARYLOU STRONG: Let me carry on.

21 This is the kind of thing that we had to deal
22 with for several years, and there have been three public
23 hearings that are held. There's been -- there's been

24 opportunity for people to communicate. But I think the
25 problem is that we need to make more of an effort.

1 Everybody needs to make more of an effort to learn to be
2 -- to educate themselves. It's a very complex and
3 difficult project, people just do not, you know, off the
4 top of their head -- heads, are they able to rattle off
5 what the Secretary of the Interior Standards are.
6 Everybody sort of glazes over. And -- but we need -- we
7 do need to make an effort to understand more.

8 And as for the economic situation that it's
9 going to compete with local communities. I think -- I
10 see the -- the fort and the Hook is being a great --
11 great drawing card for heritage tourism. It's going to
12 attract people who per capita spend more money than the
13 average tourist does. And they're going to go to the
14 Hook and learn about Fort Hancock. And I think they're
15 going to want to go to the restaurants and Highlands and
16 Atlantic Highlands and Sea Bright and spend money there
17 dining.

18 I think the -- the Mule Barn is not going to
19 be a threat to the -- the local economy. It's a -- it's
20 a -- it's a plus for both people who are interested in
21 conservation, people who are interested in preservation.
22 Instead of having to build new buildings, we're going --
23 we're recycling and reusing the ones that we have, and

24 it's going to be done in energy efficient ways. And I

25 -- I see it as, you know -- it's just not just about

1 historic preservation. It's also about conservation of
2 our resources and adapted reuse.

3 And I just want to urge everybody to make
4 every effort to -- to read things, and not -- not adopt
5 an attitude where you're sort of stuck in one mode. And
6 for three years, that's what's been happening. And I
7 would like to urge the newspapers, too, to adopt a more
8 open balance reporting on what's happening with Fort
9 Hancock.

10 So, do I have any questions? How soon is
11 Sandy Hook Partners going to be starting to stabilize
12 the buildings?

13 MR. SPEAKER: Marylou, we are working
14 closely with Sandy Hook Partner to develop a plan for
15 emergency work necessary and had to bid that work, it's
16 a very difficult process (inaudible). They're moving
17 afford immediately. I'm assured that work will be
18 (inaudible) in the next few weeks.

19 MR. SPEAKER: Before the snowflakes.

20 MARYLOU STRONG: Thank you.

21 MR. CLEAMA: Thank you.

22 Yes, sir?

23 PHILL WAGNER: My name is Phill Wagner. I'm

24 from Rumson.

25 Overall, I have very series questions about

1 commercializing the Hook, but I think the image that's
2 being thrown out to us is in 60 years, which not many of
3 us are going to be jogging around here then, but in 60
4 years, we're going to have 36 or 60 restored buildings
5 handed back to us. I assume this lease -- one of the
6 questions is not extendable.

7 But the other question I have, too, is, you
8 know, throughout this process, let's say in year three
9 he finished a couple of the buildings, in year 60 are
10 the restorations 57 years old? Are we being given
11 buildings back at the end of 60 years that are restored
12 and readily usable and appreciated by whoever is around
13 at that time? You know, for example, say one was a
14 restaurant, and now we have the money, we don't need to
15 lease all of this property out. Well, any time you see
16 -- see a restaurant move out of Red Bank, you know what
17 it looks like inside when they're done.

18 Is it in the lease for them to re-restore up
19 to restoration levels as they leave? I mean, if that's
20 one of the benefits we're going to get by giving up 60
21 years, we get the next 500 or so.

22 That's it.

23 MR. SPEAKER: Can I just say one thing in

24 with respect to that?

25 I think the premise that we're giving up the

1 buildings is probably too strong.

2 AUDIENCE MEMBER: (Inaudible).

3 MR. SPEAKER: Well, what -- what we're losing
4 is access to the interior. And the points are the --
5 the current state is that they're no access to the
6 interior, and the finished state will be that there's
7 limited access to the interiors. But the outsides of
8 those buildings will be restored, and every time I come
9 here, I'm going to look around and I'm going to see
10 every one of those buildings. I can't go inside, but I
11 see the ensemble. And because I'll be able to
12 experience some of the buildings interpreted, I'll be
13 able to go into one of the lieutenants' houses; I'll
14 know what they're like inside, because they're all
15 essentially the same inside.

16 So there is a loss there, but -- but -- you
17 just can't -- I think it's unfair to characterize it as
18 a complete loss, and then all of a sudden, the
19 government gets it back at the end of 60 years. What we
20 get is another 60 years.

21 There's really a couple of alternative
22 futures that we're looking at here. The one I can
23 guarantee you that won't stay the same is the way things

24 are. That's just -- people like to adopt that that's --
25 that's the comparison. The comparison isn't the -- the

1 comparison is this -- this project happens and these
2 building gets rehabbed this way, or the Park Service
3 tries to spend its Band-Aid money to keep them up as
4 long as they can. But I know from deep and long
5 experience that they won't be up forever. In 60 years,
6 they'll be gone.

7 So the alternative futures are: These
8 buildings will be largely gone, or we'll have them and
9 some commercial development. That's a hard choice, but
10 I think that's really the choice we got to look at.

11 AUDIENCE MEMBER: But what is the provision
12 in the contract for the condition of the buildings will
13 be left in that year? Because if I renovate my by house
14 right now up to great standards, 80 years from now it's
15 going to look (inaudible) --

16 MR. SPEAKER: You're right.

17 AUDIENCE MEMBER: (Inaudible).

18 JIM WASSEL: Hello. My name is Jim Wassel.
19 And, you know, it's funny, I've -- I've never considered
20 myself a developer, because I've always dealt with
21 restoring projects, historic projects.

22 And I -- like you, ma'am, I wasn't -- I
23 wasn't going to speak today, but I feel somewhat

24 compelled. And when I left this morning, my wife said:

25 Please get up and say something for yourself, because I

1 have withstood a lot of personal attacks over the last
2 couple of years about this project. And quite frankly,
3 I'm very proud of my background and my education and my
4 background with the Rouse Company and the projects I've
5 been involved in, but yet the opposition and -- and the
6 press seem to want to take those experiences and turn
7 them around. And -- and I think it's through some of
8 those experiences that the commercial words come out,
9 "Starbucks" and "Ramada Inn," and we're building a new
10 conference center and -- and -- and -- and we're doing
11 it -- we have and we have bought into -- a lot of the
12 things that Dan talked about already today. We have
13 bought into the restrictions. And we have an extremely
14 restricted lease. I invite you to read it. We cannot
15 just do anything we want out here. We have very
16 restrictive percentages of the space that have to be
17 used in very specific ways that match the mission of the
18 National Park. That matches our very original
19 presentation that we made in Philadelphia to win the
20 bid. And it's centered around learning. It's all about
21 learning.

22 There's not going to be five bed and
23 breakfasts out here. This -- all this stuff starts

24 snowballing and people start using these ideas, nail

25 salons, the opposition has used.

1 The Golden Arches. I've been called the
2 Donald Trump of Sandy Hook and all of this stuff. We
3 have -- I don't know about you, but this has been very
4 public for me for six years. I have been in the public
5 and our plans have been in the public for six years. I
6 would say: We've been. Where have you been if you're
7 asking these kind of questions now?

8 We have very restrictive uses. And if you
9 know anything about real estate projects, four years ago
10 you not present the tenants, because the tenants come
11 after the lease is signed and when the work begins, then
12 the tenants are going to be presented. And the tenants
13 all have to be approved by the National Park. Every
14 single use and tenant we bring here, have to be brought.
15 They have to be measured up to the lease, where they fit
16 in the percentages, and it has to fit. It's a puzzle
17 that has to fit.

18 And to answer your question, sir, we have to
19 -- we have to devise -- not "devise." I should say: We
20 have to submit a management plan every single year as to
21 what we do with the buildings. Every single year, for
22 60 years a management plan will be presented to say:
23 Here's what we're doing to the buildings this year to

24 maintain them, to keep them up, to keep them up to the
25 standard. We can't just make up uses. We can't just

1 bulldoze the National Park, because we have to come back
2 and it has to fit in our lease.

3 We have bought into the lease. We have
4 bought into the SHPO standards. We have bought into
5 everything. And we feel we found a way to create a
6 project that makes sense with the National Park's
7 mission, that makes sense with our community, that makes
8 sense and respecting the historic fabric of these
9 buildings.

10 And I'm not getting tired, quite frankly, of
11 getting just beat up in the -- in the press and by the
12 opposition, when the opposition is the only group who
13 refuses to meet with us. Every other group we have met
14 with has endorsed our project. And I want to add, we
15 went down to meet with Brad Campbell, and Brad Campbell
16 liked our project. And if he denies it, he's not
17 telling the truth. He liked our project, but said: You
18 know what, it's not a state project, so I have to -- I
19 have to -- I can't come out publically for it. We have
20 been in ever agency in the State of New Jersey to
21 present and gain their endorsement.

22 As a matter of fact, we went down to Brad

23 Campbell, because we have endorsed -- we had not
24 "endorsed," excuse me. We have tried to manage
25 ourselves with every aspect of smart growth, of which he

1 is the promoter of it. And I believe if the state would
2 realize and understand what we're doing, we'd wind up
3 being a poster child for them in terms of smart growth,
4 in terms of dealing with the things about noise and
5 things.

6 So I think I would have been remiss today if
7 I didn't stand up and defend this a little bit, but more
8 importantly, defend the National Park, because they have
9 set up standards here that we have to live by, just like

10 I did with the Boston Redevelopment Authority when it
11 was involved with Nathaniel Hall, and the New York
12 landmarks when I was involved in South Street Seaport
13 and the Denver Downtown Association. I was involved out
14 in Denver and in St. Louis. Every one of them, all very
15 restrictive. Every one of them different in terms of
16 their historic preservation, different in terms of their
17 kind of use. Those were commercial spaces. They should
18 have been redeveloped into commercial spaces; this is
19 not.

20 This was a fort that now -- now, it's about
21 history, and it was used for learning and training. And
22 we have probably to the extent -- Richard, help me here.

23 Seventy-five, 80 percent of our space is going to be

24 reused the same way it was used when it was a fort.

25 Thank you.

1 MR. CLEAMA: Any other -- before we -- thank
2 you very much.

3 Any other comments before we adjourn?

4 Yes, sir?

5 KEVIN TREMBLE: Kevin Tremble. I'm from
6 Tenefly, New Jersey. And I wanted to address the
7 Programmatic specifically, although I did also want to
8 address my experience directly at Sandy Hook.

9 I was a former planner with the National Park
10 Service and did a -- participate in general management
11 planning for Gateway National Recreation Area and Sandy
12 Hook. And I think having done that in the 1980s when
13 this legislation for leasing was thought of and passed
14 the congress, there was a lot of optimism than about the
15 leasing program. And it really was kind of a
16 disappointment, I think, that this leasing program never
17 really got off the ground during my tenure in the
18 National Park Service, because the Park Service had this
19 mission from the Organic Act to try to conserve natural
20 and historic areas. And it's a really tough job given
21 the resources that the congress allocates and the desire
22 of the congress very often to address the wishes of the
23 public to preserve and to protect these areas. But the

24 resources often aren't there, and New Jersey has not
25 faired very well in that regard. So I would urge the

1 congressman to make extra efforts for the very special
2 places we have in New Jersey.

3 And I think I'd like to address the
4 Programmatic Agreement with regards to public
5 participation specifically. I think in Section 10B and
6 a Section 12 there are clear opportunities for public
7 involvement. And I -- I agree with Ron Emerick, from
8 Preservation New Jersey, that perhaps some combination
9 of advancement at the section two level of the
10 investment tax credit program would be appropriate.

11 I do want to add that the -- the investment
12 tax credit -- I wanted to say something about that with
13 regard to New Jersey. New Jersey is one of the lowest
14 returns of Federal dollars out of the tax systems of any
15 of the states. I don't recall exactly what the number
16 is. It's in the low 40s, but this use of the ITC, and I
17 believe if I'm -- if I'm not mistaken, is this the
18 largest single investment tax credit project of the
19 National Park Service as -- as a group?

20 MR. SPEAKER: Yeah.

21 KEVIN TREMBLE: It's -- it's close, too.
22 Yeah.

23 And -- and so that makes it sort of an

24 exciting event for the National Park Service and -- and

25 for us in New Jersey --

1 (Whereupon Tape II, Side B concluded.)
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1 C E R T I F I C A T E

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3 I, CHRISTY TRAINA, a Notary Public of
4 the State of New Jersey, do hereby certify that the
5 foregoing is a true and accurate transcript of the tape
6 as taken stenographically by and before me at the time,
7 place and on the date hereinbefore set forth, to the
8 best of my ability.

9 I DO FURTHER CERTIFY that I am
10 neither a relative nor employee nor attorney nor counsel
11 of any of the parties to this action, and that I am
12 neither a relative nor employee of such attorney or
13 counsel, and that I am not financially interested in the
14 action.

15

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18 _____
Notary Public of the State of New Jersey

19 My commission expires October, 2008.

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21 Dated: November 9, 2004

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3 TAPE TRANSCRIPTION

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RE: 10/26/04 MEETING WITH ADVISORY COUNCIL ON HISTORIC
5 PRESERVATION, NEW JERSEY STATE HISTORIC PRESERVATION
OFFICE

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7 TAPE III (Side A)

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1 KEVIN TREMBLE: -- in Middletown Township,
2 Monmouth County and New Jersey, so that means that the
3 labor intensive type of work that involvement tax credit
4 generates is very positive in terms of revenue for the
5 local community. It's not bringing in materials to
6 build new construction from other places outside of New
7 Jersey or outside of the United States even in some
8 cases.

9 So the impacts of the ITC, I would suggest,
10 are extremely positive for the local economy. I think
11 -- I think some of the concerns about uses, I think the
12 Secretary of Interior Standards, I believe it is Number
13 1, addresses that issue. And I think that we need to
14 make sure that somewhere in the process that's provided
15 for in the Programmatic Agreement.

16 Also, the -- the 60-year term of the lease is
17 a bit concerning, and I think we need to have weigh
18 points along the way. The gentleman that raised the
19 issue of: Well, what would we get back at the end of 60
20 years? Well, we don't know, but I think we ought to try
21 to think that through a little bit. Should there be
22 weigh points at year six or year ten, or should there be
23 a sunset provision perhaps? These are questions I think

24 I'd like to see you address.

25 And finally, on -- in the first five-year

1 segment -- I -- I serve on a local preservation
2 commission in Tenefly, and what we do, very often, is we
3 participate in concept approvals at the beginning of
4 large projects, and then request that -- periodically as
5 we get to design development stage of -- of
6 architectural drawings, that the owner/developer come
7 back and provide opportunity for review. So there --
8 before a final -- before final CO is issued.

9 And the last point I wanted to make is: I've
10 only done a real cursory review of the -- of the
11 Programmatic Agreement, but I -- I'm a little bit
12 concerned about enforcement. I know that on the local
13 level, we have a building code official. I know that
14 he's the one who's charged with enforcing the terms of
15 an agreement. It isn't clear to me who is charged from
16 this -- with enforcing what actually goes go in the
17 ground of in terms of meeting code. What Federal Code
18 -- what code would be used? Will the New Jersey
19 Rehabilitation Subcode be allowed to be used in this
20 case? What is the Federal Government's position on
21 that? How is that addressed?

22 So I think with that, I just wanted to thank
23 you for the opportunity to make these comments and --

24 and I look forward to the opportunity that the National
25 Park Service has here in New Jersey to rehabilitate a

1 piece of our national heritage, which really does talk
2 to homeland security in prior generations. So it's an
3 important place, and I enjoy coming back, and I thank
4 you for the opportunity.

5 MR. CLEAMA: Thank you. Thank you very much.

6 Last concluding comment. Very brief.

7 MR. SPEAKER: Very brief, I promise.

8 Though, I just felt it necessary after Mr.
9 Wassel's comments to point out that the Borough of
10 Highlands town council has past a resolution opposing
11 this project. So either he hasn't spoke with them or
12 they're one of the groups he spoke with that have
13 decided not to support this project. So I think that's
14 important.

15 Highlands, the Borough of Highlands is the
16 closest town center to Sandy Hook. And they, as a
17 representative government of over five thousands people,
18 have past a resolution to opposed this project.

19 Thank you.

20 MR. CLEAMA: Thank you. And --

21 AUDIENCE MEMBER: There's been talk about
22 communication. And I don't -- I think you are falling
23 down on the job of communication. I have been to

24 hearings since Chuck Berlin were superintendent, and yet
25 I've never get notified of anything.

1 There should be somewhere each time I sign my
2 name, my address, sometimes my E-mail -- would you post
3 somewhere on the internet a place for us to sign up on
4 our -- our E-mail addresses, and keep us posted?

5 Thank you.

6 MR. CLEAMA: Excellent. Excellent suggestion.

7 I -- I just want to, again, thank everyone for
8 taking the time to be with us today. The public comment
9 period is open until November the 30th.

10 Richard, if there is anyway to encourage folks
11 to share with the Park Service their E-mail address, and
12 -- and have a broadcast E-mail list of parties that are
13 interested in this, that would be very useful to us and
14 to the other consulting parties.

15 So I would encourage you to providing to the
16 Park Service, who will in turn share with the rest of
17 us, your comments and suggestions in writing.

18 And thanks again. I appreciate it.

19 (Whereupon Tape III, Side A concluded.)

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1 C E R T I F I C A T E

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3 I, CHRISTY TRAINA, a Notary Public of
4 the State of New Jersey, do hereby certify that the
5 foregoing is a true and accurate transcript of the tape
6 as taken stenographically by and before me at the time,
7 place and on the date hereinbefore set forth, to the
8 best of my ability.

9 I DO FURTHER CERTIFY that I am
10 neither a relative nor employee nor attorney nor counsel
11 of any of the parties to this action, and that I am
12 neither a relative nor employee of such attorney or
13 counsel, and that I am not financially interested in the
14 action.

15

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18 _____
Notary Public of the State of New Jersey

19 My commission expires October, 2008.

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21 Dated: November 8, 2004

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